

MARYLAND LEGAL AID RESPONSE TO
DRAFT REPORT FROM THE PROGRAM QUALITY VISIT TO
LEGAL AID BUREAU OF MARYLAND, INC., Recipient No. 321016
March 10-12, 2014 and March 17-21, 2014

Introduction

The Legal Aid Bureau, Inc. ("Maryland Legal Aid" or "Legal Aid") is appreciative of the time and resources devoted by the Legal Services Corporation Office of Program Performance to its Program Quality Visit ("PQV") conducted in March of 2014. The report contains both positive reflections on the work of staff in Legal Aid and constructive suggestions for improvement. As will be noted in this response, some of the recommendations made have already been implemented, and plans exist to study or implement other recommendations in the near future.

At the outset, it is important to understand on one hand, that LSC funding comprises less than 14% of Maryland Legal Aid's annual budget. This ratio of LSC to non-LSC funding (14:86) consistently has been the lowest among all legal services programs that receive some level of LSC funding. On the other hand, the requirements and obligations regarding compliance with LSC's contract conditions, special conditions, regulations, program letters, audit visits and audit findings and recommendations have and continue to consume a highly disproportionate amount of Maryland Legal Aid's resources and also contribute to unnecessary duplication of efforts.

Maryland Legal Aid received the draft PQV report ("draft report") over six months after the PQV was conducted in March of 2014 and over three months after the report was due from the Legal Services Corporation ("LSC"). Maryland Legal Aid hoped to provide a detailed response to the report with significant staff and board involvement, which would require more time than the 30 days generally allotted to programs for a response. Legal Aid's request for an extension was granted, but only for a period of two weeks from the initial November 7 deadline. Subsequent extensions were provided until December 12.

The reason cited by LSC for limiting extensions was that a final report had to be issued by LSC by the end of the calendar year. This response raises some important concerns. First, the over three-month delay in issuing the draft report was due entirely to the Legal Services Corporation. LSC indicated that an assignment change of Maryland Legal Aid's Program Counsel delayed the issuance of the draft report. Further, LSC's report will be used to assess future LSC funding applications by Maryland Legal Aid. A report taking over six months to draft should therefore allow for a comparable time to respond. Maryland Legal Aid asserts that it should have been given the same consideration with respect to the deadline for its response that LSC unilaterally provided itself.

LSC, for this engagement, employed a particular methodology that leaves many unanswered questions. Before embarking on the site visit, LSC conducted a confidential survey of Maryland Legal Aid's staff's views on a broad number of topics. Neither in the exit interview nor in the draft report does LSC provide any meaningful feedback about the survey's results. LSC has not shared any information about the number, tenor, weight, or tendency of the responses. As a consequence, when LSC makes assertions like "At the time of the visit, the organization appeared to struggle with effective dialogue with its staff, which appeared to contribute to a sense of low morale." (Page 3, paragraph 3 of the draft report) Maryland Legal Aid is left without guidance as to the source, depth, and breadth of the assertion, or the actual reasons for the conclusion.

The format of this response will follow the format of the draft report.

Background on the Program Quality Visit (p. 1)

Maryland Legal Aid has no comment with respect to this section.

Program and Service Area Overview (p.1)

Maryland Legal Aid now operates out of 14 offices. This number includes a satellite office in Howard County and District Court Self-Help Center sites in Glen Burnie and Annapolis. A 15th location will open in January 2015 to provide District Court Self-Help Center services in Upper Marlboro, the county seat of Prince George's County.

There are several chiefs in the Baltimore City unit, including Chiefs of the Administrative Law Unit, Housing/Consumer unit (who also has supervisory responsibility for the Domestic Law Unit), Intake Services, and CINA. Supervising attorneys are also placed in the Housing/Consumer, Domestic Law, and Intake Services units. As of January 5, 2015, the Baltimore City CINA unit will have two supervising attorneys (down from three) due to declining caseloads. A supervisor has transferred to the Montgomery County office and will not be replaced.

Summary of Findings (p.2)

The draft report's findings with respect to effective management, dialogue with staff, and low morale will be addressed in this response.

Strategic Planning (p.3)

The implementation of Maryland Legal Aid's human rights framework has been extensive. Legal Aid sought and was awarded funding from American University's Washington College of Law in a very competitive, national funding proposal request to start a Local Human Rights Lawyering Project which seeks to apply principles of international human rights to day-to-day legal services practice. That funding enabled Legal Aid to hire a Project Director for its Human Rights Project. The project spawned a number of initiatives, including those focusing on the human right to housing and rent court procedures in Maryland's District Courts, principles to guide lawyer-client relationships, a work group focusing on LGBT rights and sensitivity which resulted in training on the issue, and preparation of materials for

children clients on human rights. Each year, to commemorate International Human Rights Day (December 10), Legal Aid trains staff on human rights. This year's trainings will include language access issues and its connection to human rights. Legal Aid has applied human rights law and treaty language in day-to-day advocacy, including arguments in unemployment cases, cases involving institutionalization of children, and health care advocacy. Staff have authored *amicus* briefs which cited to the human right to housing principle of "security of tenure" in arguing for greater due process rights for an occupant of a foreclosed property. The human rights framework has had a transformative impact on Legal Aid's work and has touched all areas of its practice, has led to groundbreaking work in international forums with complaints to U.N. Special Rapporteurs on issues affecting those in poverty (as noted in the draft report), and has positively impacted Legal Aid's recruitment effort. Many new lawyers express excitement about the human rights framework and find Legal Aid an attractive place to work because of it.

Montgomery County Office (P. 4)

The opening of the Montgomery County office ("Rockville") will be discussed in more significant detail later in this response. A myriad of compelling reasons supported the expansion of Legal Aid's footprint in the county. Montgomery County is Legal Aid's largest jurisdiction, the first in Maryland with a population exceeding one million. It is diverse with large Hispanic and Asian-American populations. It is also a jurisdiction of significant wealth. The opening of the new office space addressed what had been a service delivery structure which was insufficient to serve a county as large as Montgomery. The previous office – which was in reality no more than a satellite way-station - was staffed by attorneys and paralegals there rotating from the Metro office in Prince George's County. That former office suite consisted of a waiting area with two offices. Legal Aid's union membership expressed legitimate complaints about the location because of its failure to provide confidential client meeting space. The new office consists of a suite with 20 offices in beautiful Class A space in Rockville. The opening of the office represented a stunning achievement during a time when other legal services programs around the country were closing offices and reducing staff due to the negative effects of the great recession. It should also be noted that Legal Aid did not "reassign" staff to Montgomery County. Open positions in the Metro office were used to fill positions in Montgomery County. Several staff in the Metro office applied for those positions and were hired.

The "tension" created by the Montgomery County office will be addressed later in this response.

Dignity/Sensitivity/ Intake System (p. 5)

Legal Aid takes issue with the characterization that its intake systems are "disjointed" although recognizes that efficiencies, productivity, and systems can always be improved. A Florida legal services lawyer noted that "Managing intake is the key to sanity in any legal services office." Legal Services programs across the nation struggle with the constant dynamic of client demand for services outpacing resources to meet that demand. Maryland Legal Aid is not exempt from that dynamic. LSC funding, furthermore, has not served to impact the dynamic in a positive way, and the recommendations

provided in the draft report do little to provide solutions to the challenges faced by frontline intake staff on any given day.

Context absent from the draft report must also be provided with respect to Baltimore City's intake. Legal Aid's intake system has undergone significant change in the last four years in Baltimore. The Executive management team took a concerted look at productivity in the unit and made difficult changes which were unpopular with staff but resulted in needed improvements. Hotline information and referral calls and intakes for staff who were with the program during the period studied increased from a total of 9,449 in 2009 to 14,522 in 2013 (before and after implementation of changes), an increase of over 53%. The impact of changes was seen in a dramatic way from the outset. Between 2010 and 2011 when changes were implemented, calls taken increased from 10,922 to 12,205. For some hotline attorneys, the number of calls taken in the unit more than doubled between 2009 and 2013.

The productivity enhancements came in several forms, which included standardizing schedules and break times, eliminating frequent changes to schedules brought about by personal concerns, and ending work-at-home arrangements which were being inadequately monitored. A change in hotline operations management brought in a manager more fully invested in staff accountability. The physical space of the hotline operation was improved to mitigate noise and create a more pleasant working environment. The changes which Legal Aid initiated were resisted in large part by staff and union, and it is clear that resentment lingers. The hotline changes, however, have been of great benefit to client service. The draft report unfortunately does not address these positive changes or the challenges that exist in their continuing implementation, despite the LSC's team receipt of information about them.

The draft report accurately mentions that Baltimore City's intake has historically been separated into two distinct units, one for walk-in and one for hotline services. Those units are undergoing a transition towards integration with the laudable goal of increasing efficiency and ensuring that attorney resources are used primarily for providing legal services and not for ascertaining client eligibility. Historically, the walk-in intake has been staffed primarily by paralegals with the hotline unit staffed primarily by lawyers. An integrated intake system will permit paralegals previously assigned exclusively to walk-in to assist with ascertaining client eligibility on the hotline with hotline attorneys supporting walk-in intake and focusing on providing substantive advice and counsel to clients. The latter will have the additional positive effect of minimizing the involvement of substantive unit attorneys in the intake process. Substantive unit attorneys have historically provided back-up to the walk-in intake. Having hotline intake attorneys providing the back-up will enable substantive unit attorneys to focus almost exclusively on casework. As with the hotline changes noted in the previous paragraph, some staff have resisted an expansion of their roles. The resistance has slowed, but not stopped, the integration process.

Staffing of the Baltimore Intake Services unit has been enhanced since the time of the PQV visit in March, 2014. Currently, Baltimore Intake Services staff consist of one chief, one supervising attorney, eight paralegals, seven attorneys (including four full-time and three at .80 FTE), three administrative assistants, two volunteer law clerks, and two volunteer paralegals. Three new intake attorneys have started since the PQV visit in March. Those attorneys come to Legal Aid with the expectation that they

will handle clients who walk-in or call and also will have responsibility for handling the flow of the new online intake service.

With respect to Finding 5, walk-in intake is available in Baltimore City on Monday, Wednesday, and Friday between 8:30 a.m. and 1:00 p.m. Clients may enter the building at 8:00 a.m. to sign-in. A weekly emergency schedule has been developed, and emergencies are seen daily from 8:00 a.m. until 5:00 p.m. Paralegals are assigned to address emergencies every week. The supervising attorney in intake services is also available to handle emergencies, and if she is unavailable, an intake is completed and referred to the appropriate substantive unit for emergency review and response to the client.

In its Finding 5, the draft report notes that the "Intake Services Unit procedures are not efficient for applicants or staff." While it is true and regrettable that applicants often have long wait times in the lobby in Baltimore, the draft report offers no solutions of substance nor ones which do not create their own potential problems. The LSC report accurately notes that the "duration of in-person wait times can create an intense and sometimes stressful environment in the lobby." This is true, however, of any active legal services provider that handles large amounts of client intake. If the proposed solution is to eliminate walk-in intake in Baltimore City and process all applicants for service by telephone or online means, Maryland Legal Aid rejects that recommendation. Baltimore city residents know of their ability to walk-into the office to seek services; they receive immediate attention to their problems without an appointment; important paperwork may be reviewed by Legal Aid staff immediately so that time-sensitive matters can be identified and addressed; Legal Aid's close proximity to both the District and Circuit Courts in Maryland facilitates referrals to the office; and perhaps most importantly, the walk-in intake process enables Legal Aid to connect face-to-face with the community it serves.

The intake system in Baltimore has been tweaked and modified over years. As noted in the draft report, Legal Aid prides itself in the individual attention received by each client who seeks services. The individual attention by nature takes time and ultimately, extra wait-times inure to the benefit of clients. An intake improvement that has been implemented since the PQV visit and that has increased the efficiency of intake as well as the client experience, has been the creation of a new online intake registration form to replace the paper system. Testing on the form began in June of 2014, and the use of the form was implemented fully in July. Front desk receptionists now enter client information directory on-line instead of on paper. This process has served to minimize confusion that previously existed. Previously, two staff persons at the front desk had different functions for the sign-in process. Both staff now perform the same task so that two clients can be helped at once instead of just one. The prior system required intake paralegals to communicate directly with the front desk when there were taking a client to interview and when they finished. This added traffic, noise, and confusion as several paralegals often competed with clients for the attention of front desk staff. Now, paralegals update the system themselves and can minimize the need to communicate with the front desk. The system has produced a calmer and more professional atmosphere, and the intake process moves at a quicker pace.

Legal Aid, furthermore, has not had good experience with making intake appointments or having a system which requires call-backs to clients. Clients often miss appointments, which leads to down-time for staff, an occurrence which rarely occurs with walk-in intake. While Legal Aid's current system may

cause greater wait times, it ensures more clients are seen and that time-pressing issues are dealt with immediately rather than waiting for appointments which may occur after filing deadlines or court hearings of which the client is unaware or does not fully understand. For hotline staff, Legal Aid has employed in the last year a new telephone system. Information provided while the client is on hold allows a client to “opt-out” and receive a direct referral to another agency who may be able to assist a client when Legal Aid clearly cannot, such as for a criminal or immigration case, or a landlord calling for assistance. This feature has effectively “weeded out” the number of callers who would have been on hold simply to find out their case is not one which can be handled by Legal Aid.

The ultimate solution to address intake inefficiencies is greater funding to bring on more staff to more fully and expeditiously handle the client volume. LSC funding in recent years again provides little hope that can be achieved. LSC’s own contribution to intake inefficiencies and shortcomings must therefore be considered when assessing the Baltimore intake process.

An overall problem with the draft report is that findings and recommendations are based on anecdotal information from individual staff members with no context. The report is deficient of any clear methodology that would suggest it can be utilized as a meaningful scientific study. One such example is a statement on page 7 of the draft report which indicates that the “general sense of the call volume for the staff assigned to the Family Law Hotline, some noted anecdotally that they handle up to 20 calls by noon and 40 calls a day.” While it is possible that that volume exists on a given day, hotline statistics generated from Legal Aid’s case management system, do not indicate that is a regular occurrence. The lawyer assigned to the Family Law Hotline handled an average of 2,915 calls per year for the five-year period beginning 2009 and ending 2013. The lawyer provides exceptional service to family law hotline callers and is consistently the top performer among hotline staff in terms of number of calls taken. At this level (2,915 calls per year on average), an average of 56 calls per week are handled. Working four days per week, this translates to 14 calls per day, and while not a small number (at approximately 2 calls per hour) the number provides a much more accurate and credible picture of call volume in the unit than the anecdotes cited in the draft report. Even factoring in potential leave time of the staff attorney does not dramatically increase the average. If the lawyer uses six weeks of leave through holidays, vacations, personal, sick, and other leave, and therefore works only 46 weeks of the year, the average daily call volume is less than 16 calls per day, still not an easy task but far less than the 40 a day cited without regard to any statistical analysis in the draft report.

Finding 6 of the draft report regarding detailed case acceptance protocols for all units and offices has value and will be explored by Legal Aid. Ultimately, however, Legal Aid will continue to rely on chiefs of local offices to apply priorities, ascertain relevant facts that may not have been considered in the initial contact with the client, evaluate existing staff resources and caseloads, and determine the level of service provided. These factors all contribute to making the case selection process a fluid one in which bright-line guidelines are not always easily applied. There must also be recognition among intake staff that final case acceptance decisions are left to local offices with applicant expectations managed accordingly.

Legal Aid management shares staff interest in a more efficient and coordinated intake system, and is willing to work more extensively with LSC to achieve those objectives. To say that the current system, however, functions “without a defined strategy, adequate planning, effective internal communication or leadership to manage needed improvements” ignores the track record of positive progress in the unit in recent years. Legal Aid has taken significant, successful steps to improve productivity, as discussed above. Turnover in the Intake Services unit has enabled Legal Aid to infuse new energy in its intake delivery.

Context again is key. Two of the major areas of focus of the draft report – the Baltimore hotline and the Metro office (which will be discussed later in the report) – were the subject of the most significant changes in the organization over the past four years. The changes were unpopular among staff, even leading to the filing of union grievances and complaints to the National Labor Relations Board, all of which were ultimately resolved in a matter unfavorable to those who complained. As discussed in this section, the changes implemented have been beneficial to Legal Aid and its clients. The draft report does not address at all that context and its continuing effects. For the most part, findings and recommendations of the draft are based on anecdotal information gleaned from brief selected staff interviews and survey results and contain no quantitative or statistical support. Maryland Legal Aid requested a compilation of survey results which would not compromise survey respondent identity to get a fair picture of the extent of certain factual findings, but the LSC PQV team advised that it would not share that information as a matter of policy. That policy is not helpful to programs in assessing whether scarce resources should be devoted to address factual findings and recommendations based on limited survey results and selected interviews.

A highlight of Legal Aid’s commitment to improve hotline operations is its Pro Bono Innovation Fund initiative. Maryland Legal Aid was one of eleven recipients (of over 70 applicants) for the Pro Bono Innovation Fund Award from LSC, and at the time of the response, is on the verge of hiring an attorney to lead the implementation of the project. While the project will focus on hotline services to veterans, the systems that will be put in place – the involvement of pro bono lawyers in hotline service (which has not previously been done at Legal Aid) and the creation of online scripts for use by the pro bono lawyers to provide quality advice to low-income clients - can hopefully be replicated for the general client population. That replication would result in enhanced capacity to more efficiently, effectively, and promptly, serve clients seeking assistance from Legal Aid.

Finally, as to Finding 7 regarding the launching of the online intake system, LSC accurately notes that the project was launched with limited communication. That was purposeful. Since Maryland Legal Aid had not previously offered online intake, the potential engagement of the client population with this new portal to service was difficult to predict, and it was unclear what staffing resources would be required to address the demand. Communication regarding the roll-out must be strategically done, not done for its own sake. Rather than be immediately deluged with volume it could not handle, Legal Aid treated online intake as a pilot to be modified, tweaked, and further publicized as it became more firmly established. It turned out that the deluge occurred anyway. Also, at the time of the LSC PQV visit in March, the online intake had only been operational for five months. Since that time, additional

paralegal and attorney resources have been devoted to responding to online applications. The implementation of online intake was discussed at supervisors' meetings.

The development of online intake protocols is a good suggestion, and as discussed below, will be an agenda item and project for a program-wide workgroup which will be created to address Recommendations II.1.3-7.1, 7.2, 7.3, and 7.4 of the draft report.

Maryland Legal Aid has also implemented other enhancements since the PQV visit in March. A television monitor has been placed in the lobby in Baltimore City. The television runs a continuous loop of informational videos which inform applicants and clients about housing, consumer, family law, and public benefits issues as well as a description of the intake process in Baltimore. Efforts are underway to expand the content of the video with use of media that will make the videos more attractive to visitors waiting in the lobby. Stanchions were also added to control client flow at the front desk. The stanchions allow the receptionists to deal with clients more efficiently and enhance confidentiality. Additionally, two computer kiosks have been placed in the lobby which enable clients who cannot or do not wish to wait to speak to a staff member to submit applications for service online. The kiosk computers are also available for clients on days and times in which the walk-in intake is closed. Thus far, interest in using the kiosks among clients has been limited. 30 intakes have been completed on the lobby kiosks. Eight of those were done during intake hours, and 22 when intake has been closed. Use of the kiosk computers began in June of 2014 and consequently, were in use for five months at the time this response was prepared. The use of the kiosks has no effect on the queue for first-come-first served walk-in intake.

Contrary to the draft report's assertions, the goals of Legal Aid's enhancements to the Baltimore City intake are clear. Primarily, Maryland Legal Aid strives to serve new applicants in the most efficient, effective, client-centered, and value-added manner. New portals such as online intake provide clients enhanced opportunities to access services. Changes in personnel policies have enhanced productivity and have enabled Legal Aid to be more responsive to clients. New hires have been brought in with the understanding that they may have different assignments and responsibilities, allowing management more versatility and redundancy to address greater than- anticipated client demands on a given day in a given area. Video information provided in the Baltimore waiting room provides valuable information to clients and alleviates the tension and monotony created by longer than expected wait times.

As discussed above, Recommendations II.1.3-7.1 through 7.4 will be implemented through the creation of a statewide workgroup, which will be tasked with considering suggestions made by LSC in the draft report. The workgroup will consider the development of materials to better equip intake staff with local office case acceptance guidelines and clarifications on what should be sent to local offices for more extensive assistance. The workgroup will include staff from several offices. Also to be developed will include a protocol for online intake. The workgroup will serve as a mechanism for Maryland Legal Aid to periodically evaluate its intake services.

Engagement with the Low-Income Population/Language Access (p. 10)

The draft report documents well the mission and accomplishments of the Language Access Task Force. As to Finding 9, it is true that training and proficiency testing of bilingual staff is not done. Legal Aid, however, does have clear policies on the translation of core documents and the use of bilingual staff for interpretation. Maryland Legal Aid's Language Access Policy and Guidelines for Provision of Service to Applicants and Clients with Language Access Barriers were finalized in 2011 and are posted on Legal Aid's Sharepoint (Intranet) site. The policy and guidelines were developed through a lengthy and thoughtful process which involved significant staff input, particularly from staff passionate about language access issues who were and are key members of the Language Access Task Force. The guidelines provide instructions to staff on how to obtain translation of documents, and requests for translation of core documents is liberally given. Defining what are "core" documents is not a simple task and has been broadly defined in Legal Aid's guidelines as documents "that are essential or very significant for its (Legal Aid's) delivery of service to clients." "Core" documents were intended to include those necessary to establish client eligibility and lawyer-client relationships. These included, for example, retainers, authorizations for release of information, citizenship attestations, and client statements of fact. Legal Aid has also covered the cost of or translation of other important client documents, including but not limited to, pleadings, bankruptcy forms, settlement agreements, court documents written in other languages and needed for use as trial exhibits in Maryland courts, and correspondence. In addition, several of Legal Aid's brochures are translated into Spanish, and a "Fair Pay" booklet is translated into Haitian Creole.

Maryland Legal Aid's guidelines also provide policies on using bilingual staff for translation and specify that Language Line may be used as an alternative. Continuing training on language access and sensitivity to those with limited English proficiency must continue to be a priority of Maryland Legal Aid, and management is committed to that end. An example of Legal Aid's commitment to that priority are upcoming trainings on language access to be held in December, 2014. Each year since the inception of Legal Aid's human rights framework, all-staff trainings have been held to commemorate Human Rights Day, December 10, which is the anniversary of the United Nations General Assembly's passage of the Universal Declaration of Human Rights.

The theme of this year's trainings will be "Language Rights Essential to Human Rights" and will include an overview of Legal Aid's language access policy and guidelines, a tutorial on how to use the Language Line, and testimonials from clients whose cases have involved language access issues. One case highlighted will be the case involving the lack of adequate sign language interpreters in state agency administrative hearings, referenced on page 15 of the draft report. The training will be tailored to concerns raised by the LSC PQV team regarding the clarity of Legal Aid's policies and guidelines, and the consistency with which they are applied. A committee of five staff members passionate about Language Access issues has been meeting twice weekly for three months to plan this extensive training, and all staff at Legal Aid will be required to attend. The training will include presentations from external partners such as the Language Access Director of Ayuda and the Executive Director of the Asian-Pacific American Legal Resource Center. One major goal of this training is to clearly communicate the practical implications of Legal Aid's language access policy and guidelines. In furtherance of this goal, a survey will

be conducted 60 days after the training to determine what impact the training had on language access issues in daily work, and identify what clarifications are still needed at that time.

In recent years, Legal Aid has included a language access component in its training. A client sensitivity training in 2010, for example, included a presentation on how to use the Language Line service. At new staff orientation, Legal Aid's language access policy and use of the Language Line is discussed. Legal Aid restates its strong commitment to effective communication to LEP individuals at these sessions.

Legal Aid does not have a policy, as suggested, that hired interpreters may only be retained when a conversation with a client is expected to last more than an hour. Again, the Language Line service may be liberally employed by staff. As noted above, core documentation translation may also be provided. Requests for core documentation translation must be vetted by supervisory staff to determine whether translation should be provided. Recommendation II.3.9.1 will be shared with Maryland Legal Aid's Language Task Force, who may make recommendations for policy and guidelines changes to management consistent with the recommendations. Other than the matters stated specifically in the PQV draft, it is unclear what expectations the LSC team seeks to create in stating that "[LAB] should establish strong language access systems and quality-controls in offices or units serving high or growing limited-English proficient populations, and in offices where there are few or no bilingual staff." This is a sweeping statement with little substance. Without better explanation of what "strong language access systems" and "quality-controls" may be, or which offices qualify as "serving high or growing limited-English proficient populations", this recommendation is of limited assistance to Maryland Legal Aid as it address language access issues in the future.

Legal Representation (p. 12)

Maryland Legal Aid greatly appreciates the draft report's recognition of some of the exciting advocacy efforts being undertaken by staff. The draft report captures in a nutshell the breadth, diversity, creativity, and impactfulness of staff efforts.

The draft report states that "LAB appears to have a diverse staff" which could be construed as a pejorative observation. LAB does in fact have a diverse staff and is proud of its record in this regard. Staff diversity exists in a significant way with respect to race, age, gender, national origin, religion, disability, and sexual orientation. As noted, staff experience is also diverse in terms of life and professional experiences.

As to Finding 12, the Human Rights Project is led by a Project Director, not a "Director of Advocacy for Human Rights."

The Section 8 housing case described in the sixth bullet under Finding 12 involved housing administered by the Maryland Department of Housing and Community Development, not HUD.

With regard to legal writing and in response to Recommendation III.1a.12.1 on page 16 of the draft report, Legal Aid managers have been and will be advised of concerns raised with writing quality. For the first time in 2014, Legal Aid included a writing component in its Advocacy Institute program to give

better feedback to new advocates. Appellate and brief writing trainings have been discussed and will receive priority as Legal Aid develops future training curricula.

Case Closings (p. 16)

As noted, Maryland Legal Aid experienced a 20% decrease in funding from LSC from 2011 to 2013. During that time, the number of closed cases reported to LSC decreased from 7,423 to 6,461, a reduction of less than 13%. Maryland Legal Aid therefore did more with less – the 20% reduction did not result in 20% less clients being served. It should also be noted that in 2013, LSC funding in the amount of \$3,725,631 comprised less than 13.6% of Maryland Legal Aid's total operating income for the year. The LSC-reportable cases represent a small percentage of the total number of cases handled by Maryland Legal Aid.

Maryland Legal Aid's LSC-reported case numbers cannot be effectively compared to other grantees for the following reason. 45 CFR 1611.5 allows recipients to determine applicants to be financially eligible if their incomes do not exceed 200% of the applicable Federal Poverty Guidelines and certain other criteria are met which are set forth in 1611.5(a)(3) and (4). Presumably, other, if not all other, recipients report cases of clients whose incomes do not exceed 125% of poverty as well as clients who meet authorized exceptions to that income ceiling pursuant to 1611.5 (up to 200% of poverty). Several years ago, in response to LSC's questioning of whether certain of Maryland Legal Aid's clients met the additional eligibility requirements for clients over 125% of poverty, Maryland Legal Aid made the decision not to report cases above 125%. This decision in no way diminished Legal Aid's representation of clients who would qualify pursuant to 1611.5, because Maryland Legal Aid's largest source of funding, the Maryland Legal Services Corporation, permits it to represent clients whose incomes are up to 50% of Maryland's Median Income, a higher level than the 200% of poverty figure. Maryland Legal Aid is thus in a position which is unique among LSC recipients in the United States in that its largest source of funding permits representation of a general client population whose incomes may exceed 200% of the federal poverty level. Maryland Legal Aid's approach again has no negative impact on client service delivery. It avoids the unnecessary administrative burden of documenting eligibility pursuant to 1611.5(a) (3) and (4).

Training and Task Forces (p. 16)

Since the PQV visit in March of 2014, Maryland Legal Aid has hired a Director of Advocacy for Training and Pro Bono to lead its efforts in that area. The new Director of Advocacy was formerly the Senior Attorney for training and previously worked in Legal Aid's CINA practice at the Metro and Montgomery County offices for a period of 8 years. Since her hire, the Director of Advocacy has been actively involved in the planning and delivery of a number of trainings to staff in a variety of areas and has made enhancements to Legal Aid's Advocacy Institute.

Legal Aid hosted a variety of substantive law and practical skills trainings in the fall of 2014. A family law deposition training was planned and implemented. Every Legal Aid office sent family law practitioners to the all-day training, which included presentations from a private bar family law practitioner, a prominent family court judge, and an experiential based learning deposition scenario. Legal Aid also hosted a Social Security Overpayment training, where our public benefits attorneys and paralegals

convened to hear from a national expert on issues regarding overpayments that staff face regularly. Additionally, Legal Aid was awarded in a nationally contested process, the opportunity to host a student loan debt training from the National Consumer Law Center. Legal Aid partnered with the University of Maryland law school on the training, and over 60 members of the legal services community attended to discuss emerging issues regarding the effects of this debt on low-income clients. Finally, CINA staff planned and participated in an all-day training surrounding emerging issues in child advocacy, including new modalities of therapy and effective drug treatment for parents.

The draft report accurately reflects Maryland Legal Aid's strong commitment to training and its history of delivering effective and timely training to staff.

Management, Supervision, and Professional Development (p. 19)

As to finding 15, local legal supervision structures must meet the needs of staff, size of the office, and types of client services provided. Therefore, some variation in supervision is appropriate. Some offices, such as Lower Shore, Baltimore County, Midwestern, Montgomery County, and the Baltimore City Housing and Consumer units, for example, have regular, usually weekly, staff meetings at which new intakes are discussed and assigned and developments and strategies in existing cases may be discussed. This is certainly a preferred approach in connection with an "open-door" policy. For CINA cases, case staffing meetings may be less crucial because there is no "assignment" of cases. Legal Aid is appointed to represent clients by the Court and therefore, there is no need to discuss whether a case will be accepted or rejected, only a discussion of who will be assigned the case. For small CINA practices, those assignments generally do not require a staff meeting and can be done by a supervising attorney or chief.

It is certainly of concern that staff may suggest inappropriate uses of human rights arguments. Staff have been instructed to make human rights norms a part of their legal toolkit and to look for opportunities to expand the use of human rights law. Tempered with this instruction is a directive to use human rights strategically to ensure that the argument will add value to the client's case. The forum in which a human rights argument may be used, for example, or whether a particular judge or hearing officer may be interested in those arguments, must be assessed. The draft report's concern will be communicated to managers, who will be tasked with greater oversight of staff work product in this regard.

The SAS Project Director for Human Rights is also a resource for staff on raising human rights issues and has been engaging with local offices and specialty units both about the appropriate use of human rights norms and how they may be used more broadly. In conjunction with the Local Human Rights Lawyering Project with American University's law school, materials were developed in several major practice areas which provide staff instances when human rights arguments may be appropriate in individual cases.

As for finding 16, the Director of Advocacy for Training and Pro Bono has made training of more experienced staff a priority. In May of 2015, an Advanced Trial Advocacy Skills Training is being planned. The training has been requested frequently by experienced staff. Task force meetings enable experienced attorneys to discuss "big-picture" issues with staff from across the state and offer opportunities for strategizing on impact cases. Required appeal staffings can serve to pair experienced

advocates with those less so. Senior attorneys and paralegals can also offer opportunities for collaboration between more experienced staff and newer attorneys. National trainings are available to experienced staff, and staff do take advantage of them. National trainings recently attended by staff include the National Legal Aid and Defender Association conferences, the National Consumer Law Center Conference, the National Law and Aging Conference, and trainings offered by the National Organization of Social Security Claims Advocates and the Housing Justice Network/National Housing Law Project.

Chief Counsel (p. 19)

Legal Aid is in accord with making the hiring of a Deputy Chief Counsel a top priority in 2015 and will do so.

In the Statewide Advocacy Support (“SAS”) unit, “Assistant Directors of Advocacy” were re-titled “Directors of Advocacy” in 2014. Legal Aid’s staff now include Directors of Advocacy for Elder Law and Health Care, for Housing and Community Development, for Income Security (which includes under its umbrella public benefits work and employment law), for Children and Families, and for Training and Pro Bono. The Director of Advocacy for Children and Families position was further tweaked for the new hire in 2014 to include responsibility for both children’s advocacy (“CINA”) and family law casework. Legal Aid had previously not had a statewide person in place to support its significant family law practice across the state. Adding a statewide support person for family law was recommended in the 2009 Strategic Plan of Legal Aid, and the diminishment of the statewide CINA practice because of declining caseloads presented an opportunity to broaden the focus of that position.

The Directors of Advocacy, along with Project Directors in SAS and managers and senior staff throughout the state, enable Legal Aid to “ensure consistent and high legal work standards” and employ “proactive and creative advocacy strategies” across its core areas of practice, including appellate work, legislative advocacy (where permitted), and impact litigation. Much of the work cited in the draft report in the Legal Representation section (p. 14, et. seq.) was led by, influenced, or received a significant contribution from, the Directors of Advocacy.

PAI involvement (P. 21)

Legal Aid takes issue with Finding 18 of the draft report which contends that “LAB has made very limited and small-scale efforts to integrate pro bono lawyers into the delivery of client services.” This finding is premised in significant part on statistics which show that “On a per capita basis, LAB closes 4 cases [which involve PAI] per 10,000 income eligible people, compared to the 2013 national median five times higher at 21 PAI cases per 10,000 income-eligible people.

LSC hamstring itself by federal regulation which assumes that a one-size –fits-all pro bono system must exist in every state, and that the model advanced by LSC is the most efficient and effective approach. This is a myopic view. The civil legal services community in Maryland has chosen to create a network of pro bono providers around the state, which is robust and comprehensive in scope and has evolved over years. This system does not neatly fall within the strict parameters as proposed as ideal by LSC.

Unfortunately, unless significant staff resources are devoted to ensure compliance with 45 CFR 1614 and the LSC Case Service Report Handbook, Maryland Legal Aid can only count a case in which it provides significant oversight. Maryland's system eliminates the need for this unnecessary expenditure of scarce resources.

According to the Maryland Legal Services Corporation ("MLSC") annual report, pro bono lawyers handled 8,000 cases in Fiscal Year 2013 in Maryland. Legal Aid works with the many pro bono providers in the state to both provide and receive referrals. Partners include the Maryland Volunteer Lawyers Service (with whom Maryland Legal Aid subcontracts to provide pro bono services as noted in the draft report), the Pro Bono Resource Center, Community Legal Services of Prince George's County, the Harford Bar Foundation, the Frederick Bar Association, Allegany Law Foundation, Mid-Shore Pro Bono, and others. The seven organizations listed are staffed and funded exclusively to place pro bono cases in Maryland and cover every county in the state. When applied to Maryland's poverty population (as noted in the draft report) of 591,000, Maryland's pro bono system closes over 135 cases per 10,000 income-eligible persons, a figure significantly greater than the national median cited by LSC of 21 PAI cases per 10,000. Many of those cases receive pro bono attention because of Legal Aid referrals to pro bono programs which cannot be "counted" and reported to LSC. To require Legal Aid to provide significant staffing for PAI would be inefficient, redundant, and a poor use of limited resources.

To assert that private attorney involvement is not a priority of Maryland Legal Aid is inaccurate. For example, since the Director of Advocacy for Training and Pro Bono (For this section only, reference will be made to the position as "The Director") began her position in mid-April 2014, she had been an active member of the Pro Bono Coordinating Council, the only established statewide organization that brings together the various networks of pro bono delivery programs. The Director partnered with four other leaders on the council to moderate a session at the National Legal Aid and Defender Association annual conference regarding the importance of engaging law students in pro bono work. In furtherance of this effort, the Director has presented twice at the University of Maryland Carey School of Law clinical program, connecting law students with pro bono opportunities at Maryland Legal Aid. Additionally, the Director attended a pro bono opportunity fair at the University of Baltimore School of Law, and personally connected with 43 law students who are ready to engage with Maryland Legal Aid as volunteers.

The Director met with pro bono coordinators at various law firms in Maryland to discuss future partnership opportunities. From these discussions came the potential project of Maryland Legal Aid partnering with pro bono volunteers to make "know your civil legal rights" presentations to parent groups at Title 1 funded schools throughout the state. Out of this effort, parents who need pro bono legal assistance can be matched with Legal Aid's volunteer attorneys. Multiple law firms have agreed to participate in this emerging project, which is just one example of finding unique and innovative ways to increase PAI cases in the existing Maryland pro bono environment.

Another example of Legal Aid's innovative response is its successful participation in the LSC Pro Bono Innovation Fund program. By starting a Veteran's Hotline, staffed by pro bono attorney volunteers, Legal Aid has begun to create a niche area where a significant pool of pro bono attorneys can be trained and

mentored. In doing so, Legal Aid has partnered and collaborated with the Pro Bono Resource Center, Maryland Volunteer Lawyers Service, and the Homeless Persons Representation Project, utilizing the training and volunteer networking methods they have already implemented to increase the success of the project. By continuing to find new ways to navigate the pro bono delivery systems in Maryland, Legal Aid will increase PAI case numbers without negatively affecting the important work being done by the other pro bono organizations in the state.

Additionally, the Director has done work internally to strengthen and establish plans for PAI involvement in each Legal Aid office. The Director has met with each chief to discuss PAI and to begin to develop ways to improve internal infrastructure for PAI referrals. An updated model of PAI for the organization will be provided to Chiefs in 2015, which will include new reporting forms to capture the pro bono work that is occurring. In the past six months, much progress has been made to strengthen Legal Aid's role as a critical member of the pro bono delivery system in Maryland.

Legal Aid's significant private attorney involvement is further evidenced in a number of ways. As mentioned in the draft report, Pro Bono Days are held throughout the state, including Baltimore City, Baltimore County, Frederick, Bel Air, Hagerstown, and Southern Maryland, to name a few. These events have attracted hundreds of attorney volunteers in the past five years and have provided brief advice and consultation to thousands of clients. The Equal Justice Council, which is referenced in the draft report in the Resource Development section on page 32, is co-chaired by prominent private bar managing attorneys, and it has grown over the last year to include non-lawyers in the private sector and government lawyers. Legal Aid's Chief Counsel sits on the Maryland Court of Appeals' Standing Committee on Pro Bono, and Legal Aid each year co-chairs the Pro Bono Resource Center's Partners for Justice Conference, a day-long conference focused on training pro bono lawyers and staff of civil legal services and public defender programs. Legal Aid provides much of the training content for the day. Private lawyers donate hundreds of hours of time to Legal Aid in advising on issues involving labor law, insurance, intellectual property. Pro bono lawyers co-counsel with Legal Aid on significant cases, provide advice to staff on litigation strategies, appeals and attorney fee recovery, and train staff. They have even assisted with LSC grant compliance and other grant compliance issues.

As noted by an LSC board member during the visit, a pervasive feeling among the bar is that private attorneys would rather provide donated funds and support to Legal Aid in areas of their own expertise rather than handle a case, perhaps ineffectively, in an area of law for which they may be unfamiliar and which may require significant training.

Governance, Leadership, and Administration (p. 23)

Since the PQV visit, Legal Aid has increased its board membership to 18, adding as a member attorney Guy Flynn, partner at DLA Piper. The Legal Aid Board has also approved a 19th member, Brian Hochheimer, a prominent lawyer and CPA from Montgomery County who has experience serving on boards of other civil legal services providers.

As to Recommendation IV.1.19.1 and IV.1.19.2, Legal Aid's board has convened a bylaw committee to recommend any needed bylaw changes. Legal Aid's board is also in the process of studying succession plans for executive leadership succession.

Executive Director (p.25)

Credit for the enumerated successes of the Executive Director in funding must be shared with committed staff, whose work is well-respected in the state legislature, judiciary, and private bar. The private bar itself in Maryland has been extremely supportive of Legal Aid, and is seen through the work of the Maryland Legal Aid Board of Directors and Equal Justice Council, the Maryland Access to Justice Commission, and others.

Transition Issues at the Metro Office (p. 26)

Finding 21 of the draft report indicates that "at the time of the visit, The Riverdale office ('Metro') was recovering from significant transitions as a result of staff transfers to the Montgomery County office ('Rockville'). There appeared to be no clear plan for Riverdale's service delivery restructure, and there appeared to be little support from management."

Maryland Legal Aid emphatically disagrees with this finding. Certainly, transition occurred with the opening of the Montgomery County office. A memo provided to the LSC PQV team documented the compelling considerations for the opening of the Montgomery County office. By way of background, Montgomery County is the largest jurisdiction in the state in terms of population and has the fourth largest population of persons living below the federal poverty level, exceeded only slightly by Baltimore County and Prince George's County. Legal Aid previously had a "stand-alone" location in Montgomery County in Silver Spring, but that office was closed in the early 90's due to funding considerations. Montgomery County has unique demographics. Over 1/6th (17%) of the population is of Hispanic or Latino origin. Another 14 percent consist of individuals of Asian descent. It is a jurisdiction that clearly merited a greater presence than Legal Aid had provided.

The draft report indicates that the Riverdale office "was recovering from the loss of staff to Rockville." The term "recovering" implies that the Riverdale office was injured by the Montgomery County expansion in some way. This was not the case. All personnel who moved from the Riverdale office to Rockville did so voluntarily, applying for advertised positions within the latter and undergoing an interview process prior to selection. Staff remaining in Riverdale had opportunities to apply for open positions in Rockville. Those who wished to stay in Riverdale did so. Case and staffing statistics show that management thoughtfully limited the impact of the opening of the Rockville office on staff at Riverdale, that management was open and transparent in the process, and that Riverdale today has ample staffing resources assigned to it, especially when compared to other offices at Maryland Legal Aid that serve similar populations.

In determining how to staff the Montgomery County office, Legal Aid's management looked at a number of factors, most notably poverty population and case numbers. Of the three counties formerly served by the Metro office (Prince George's, Montgomery, and Howard), Montgomery County had just

under 45% of the total poverty population. In terms of cases handled in the three county area, 35% were from Montgomery County, 57% were from Prince George's, and 8 % were from Howard. At the time the opening of the Montgomery County office was first considered in late 2011, there were 49 staff at Metro. Poverty population and caseloads therefore justified movement of 17-22 (35-45%) of the full-time equivalent positions allocated to Metro to the new Montgomery county office. Management initially proposed that 17 staff comprise the new office, thus leaving the "down-sized" Metro office well-staffed to continue to handle existing caseload and expected volume in Prince George's and Howard Counties, considering that Metro would no longer be responsible for new, and most existing, cases from Montgomery County.¹

There was a "clear plan" for Riverdale's service delivery restructure and support from management for same. The draft report's observations that Riverdale staff were (or are) in need of "clear communication to address staffing and workload management issues" are not accurate. Communication concerning the restructuring has been handled by the Chief of the office.

When Maryland Legal Aid management developed its staffing plan for Riverdale and the new Montgomery County office, it envisioned 32 (of the 49 Metro positions) remaining in Riverdale. At the time of the drafting of this response, the Riverdale office was staffed with 31 including a Chief, three administrative assistants, six paralegals, a law graduate, a CINA supervisor, five CINA attorneys, twelve general practice lawyers, and two supervisors. Metro currently has a total of 4 supervisors in its office, twice the number of any other office save Baltimore; Despite Prince George's County having roughly the same poverty population as Baltimore County and Montgomery County, the 31 staff at Metro significantly exceed the staff assigned to Baltimore County (currently 16) or Montgomery County (currently 15). Management's plan also was premised on there being eight CINA lawyers in Metro. That number has been reduced to five due to declining caseloads and attendant revenue from Legal Aid's CINA contract with the Maryland Department of Human Resources, a factor unrelated to the Montgomery County opening or LSC funding. Non-CINA staffing, therefore, currently exceed projections made when the Rockville office opened.

Also announced to staff after the move occurred was the need to gradually transition Riverdale's remaining five family law specialists (as of the time of the LSC PQV visit) into "hybrid" positions that would be available to accept more general and less specialized caseloads. For those positions, affected attorneys retained a substantial number of family cases while gradually taking on cases in new substantive areas, particularly housing and consumer law. The attorneys received ample and close supervision and training – thanks in large part to the number of supervisors in Metro per capita, compared to other offices. In-house, targeted trainings on housing and health care were provided at Metro by Maryland Legal Aid's Directors of Advocacy for Housing and Community Development law and Elder Law and Health Care. Supervisors and experienced staff attorneys co-counseled with family law attorneys in their initial non-domestic cases, and frequent, nearly daily informal consultations occurred

¹ A small number of existing Montgomery County cases were kept in Metro. Consideration was given to longstanding attorney-client relationships and cases which presented complicated factual scenarios. Montgomery cases that could be handled more effectively and efficiently in Metro using these factors remained in Metro.

with affected attorneys and Riverdale managers regarding non-domestic work. No credible professional attorney could reasonably assert that they were rendered “disoriented” as a result of the changes.

The draft report claim that “elder law and family law attorneys were being asked to change from specialists to generalists” is misleading. Riverdale staff focusing on elder law were never “specialists” in the sense that they have always carried a varied caseload, which included some non-elderly LSC-eligible clients. As noted above, Riverdale family law staff were not asked overnight to become generalists, but rather, their caseloads were gradually expanded to include one additional area of practice with the goal of adding additional areas when proficiency in a new area was obtained. Input from individual family law attorneys regarding their preferred practice areas was solicited. Some family law attorneys resisted even a gradual expansion of their caseloads.

Riverdale, furthermore, is not subject to a “hiring freeze” and six positions have been filled in the last year, five of which came about due to the departure of lawyers. All positions except an administrative support position were filled after relatively insignificant vacancy periods consistent with Legal Aid’s regular process of hiring staff. In addition, the Statewide Advocacy Support Unit Foreclosure Legal Assistance Project (“FLAP”) has three lawyers who serve Prince George’s, Anne Arundel, and Montgomery County out of the Metro office, including the supervisor of the FLAP project. The departure of “experienced, specialized attorneys” to Rockville leaving “gaps in Riverdale’s substantive expertise” is also overblown.

It is true that some fine attorneys left Riverdale for Rockville. One of two CINA supervisors in Metro left to supervise the CINA work in Montgomery County. A seven year CINA attorney from Riverdale moved. For general practice, an attorney with 13 years of experience moved. A supervisor from Metro left to become a general practice attorney in Rockville, which significantly reduced her commute. She has since left the program. Other than those four individuals, two of which were not involved in LSC-funded work, no attorney transferring had more than 4 years of experience. The moves left the Metro office with significant experience in all Legal Aid practice areas including family law (family law practitioners in Metro remained the same), housing, consumer, public benefits, and CINA. Further, existing Metro staff have been able to call on the considerable experience of Metro management and senior and experienced practitioners across the state to address any questions they have that may have previously been answered by departing staff. Those attorneys who did depart, moved to the *adjacent county* and remained available to discuss cases by telephone, by e-mail, and through encounters at task force meetings. The three FLAP lawyers housed at Metro included two who previously handled consumer and housing issues as part of their caseloads.

The Montgomery County move was also done with an abundance of transparency and communication. Prior to the move occurring, the Metro Chief conducted a series of meetings designed to give every member of the office an opportunity to have input in the plans to open the Rockville office. He convened three staff committees who made recommendations to the Executive team, who themselves came to Riverdale for a meeting with staff to discuss Montgomery County and how the new office should be staffed and structured and to answer questions. One committee’s recommendations closely aligned with the eventual staffing of the office. In the aftermath of the Executive meeting with staff,

Legal Aid's union filed charges with the National Labor Relations Board alleging that Legal Aid management engaged in "direct dealing" with staff by convening the committees and holding a meeting to discuss the Montgomery County office.

Further evidence of Legal Aid's transparency in involving staff in the opening of the Rockville office is found as follows: Staff from Metro visited prospective office locations in Montgomery County with management staff and the real estate agent retained by management to find space. A Metro staff member participated in the five-member hiring committee formed to select a new Chief in Rockville. After the hiring of the new Chief and at the request of union membership, the new Chief met with all Metro staff to discuss her qualifications, experience, and the new office. The meeting was intended to assist staff decision-making on whether they wished to stay or Metro or go to Montgomery County.

Legal Aid management also convened "effects bargaining", as required by the National Labor Relations Act with the union over the decision to open the new Montgomery County office. The union pursued concessions for its transferring members, including free parking and, for the one staff member previously assigned to the Montgomery County office, the option to work in either the Metro office or Montgomery County. When management refused to make those concessions, the union filed charges of bad faith bargaining with the NLRB. The charges produced no change in management's approach to Montgomery County. The parking issue arose because Metro staff members are provided free parking at the Riverdale office location, but parking at the new location in Rockville would cost \$90 per month per individual attorney. What the union failed to disclose on the issue despite one of its officers having previously worked at the new office location, was that ample on-street free parking existed within one to two blocks of the new location. Further, management maintained a firm position that because most staff statewide who commute by car must pay for parking, including staff who work in Baltimore City, Baltimore County, and Frederick, it would be unfair to give that benefit to staff at one office. The remaining issue with the paralegal simply had no merit – she was assigned to Montgomery County before the move, and management had the right to expect her to stay. Management's actions in opening the Montgomery County office were open, transparent, prudent, and client-centered.

Caseload statistics also show that Metro staff now have not been overburdened as a result of the opening of the Montgomery County office. For a one year period prior to the opening of the office, 7/1/2011-6/30/2012, the Metro office closed 1,895 cases. For a one year period after the opening of the office, 7/1/2013-6/30/14,, only 1,027 cases were closed. Therefore, the office had an over 45% drop in caseload closings despite losing only 35% of assigned FTE's to Rockville.

With respect to other aspects of the draft report concerning Riverdale, Legal Aid responds as follows:

Stoppage of Monthly Staff Meetings

With respect to the stoppage of monthly staff meetings at Metro cited in the draft report, Metro's well-loved and respected Office Administrator passed away after a long illness in January 2014, two months prior to the LSC PQV visit. It is true that Metro staff, as well as other staff around the state who knew the administrator, are recovering. Monthly staff meetings were stopped in December of 2013 and January of 2014 due to increased demands on management due to the Office Administrator's illness and

passing. Regularly scheduled monthly meetings resumed thereafter, and have been held with the exception of the November, 2014, when the regular and alternate meeting dates conflicted with the Chief Attorney's military reserve obligation and the Thanksgiving holiday. Communication by alternate means, such as e-mail, was used to disseminate information during months when meetings were not held.

AOC Grant

The draft report references the "added responsibility of a grant from the Administrative Office of the Courts." That grant, however, predated the restructure of the Riverdale office, and the opening of the Montgomery County had no impact on how that grant was handled. Since no Riverdale family lawyers transferred to Rockville, the Metro office were left with more family law attorneys than could be justified. The AOC grant funds contested custody cases in five counties, including Allegany (Western office), Baltimore County, Anne Arundel, Prince George's, and Montgomery County. The opening of the Montgomery County office therefore relieved the Metro office of Montgomery County responsibilities under the grant.

Comparison to Baltimore Domestic Office

The draft report indicates that "In a different instance, the LSC team learned that when there were changes occurring in Baltimore City domestic unit in 2012, the executive director, chief counsel, and chief operating officer met with the staff of the domestic unit to ask them to share their concerns." The domestic unit in Baltimore, however, underwent no significant changes in 2012, so it is unclear what is being reported in the draft. Legal Aid did have experience changes in its Baltimore city CINA staff in 2013, although they were much different from the decision to open the Montgomery County office. The most significant of those decisions was to not replace departing CINA lawyers through attrition and to transfer three paralegals to other units to avoid lay-offs. As with the opening of the Montgomery County office, Legal Aid complied with its obligations under the NLRA to bargain the effects of its decision to transfer the affected paralegals. Metro staff certainly had ample opportunity to "share their concerns" vis a vis the opening of the Rockville office and did in fact do so.

Finally, the draft report fails to address management challenges stemming from the work of LSC itself. A contributing factor to morale issues in Maryland and in programs throughout the country is lack of funding. LSC funding has declined each since 2010, with a precipitous drop of 13.9% in 2012. In 2013 dollars, LSC funding is now 39% of what it had been at its highest level 34 years ago, and 75% of what it had been in 2010. Federal funding cuts and the inability of LSC to positively affect funding levels adversely affects the issued which has the greatest bearing on staff morale: compensation packages. Further the time commitment required of staff to, for example, ensure Legal Aid compliance with a complicated and voluminous regulatory scheme, prepare for and participate in intensive LSC visits from the OPP, the OCE, and the OIG, respond to reports such as this one, and comply with onerous reporting requirements, coupled with a 20% drop in funding in recent years, has a far more deleterious affect on morale, than what are ill feelings remaining after a significant, but what turned out to be, smooth and effective transition in the Metro office.

With respect to Recommendation IV.6.21.1 of the draft report, as noted, Maryland Legal Aid had developed a plan to support the Riverdale office during its transition following the opening of the stand-alone office in Rockville. Multi-tiered support from Legal Aid's Statewide Advocacy Support unit and Metro management have stabilized and improved client service in Riverdale, as has Legal Aid's training program. Limiting intake to account for extended staff vacancies is unnecessary, as there have no extended vacancies of advocates.

Communication (p.27)

This section again raises issues of LSC's methodology and the propriety of its decision not to compile and share survey and interview results. For Legal Aid's management to take findings of lack of transparency, receptiveness to feedback, and lack of respect seriously, there should be some quantitative data presented to management so that it can assess the seriousness and credibility of the complaint(s) and deploy its resources and energy accordingly.

The Metro situation described above, for example, renders suspect complaints that may come from that office regarding "lack of transparency." As to televisions and kiosks in the lobby in Baltimore City, questions must be raised of how much process and involvement LSC recommends for a decision that has little or no impact on the day-to-day work of staff.

Legal Aid can cite to many examples in which staff are actively involved in organizational decision-making. In the last month, the location of the Upper Shore office was moved. All staff were invited to tour the prospective site and offer feedback as to its suitability before committing to the space. Staff are included in many hiring decisions. Committees which included staff were formed to vet candidates for the advocacy director positions which were recently filled as well as for the Director of Development, Director of Communications, and Director of Administrative Services positions. Other positions, including Legal Aid's University of Baltimore School of Law fellow and senior attorney promotions are vetted through a committee process that includes staff. As noted in the draft report, management met with the Legal Aid union to discuss the downsizing of the Baltimore CINA staff due to the loss of revenue from CINA contracts and the need to transfer paralegals elsewhere in the program. Legal Aid management has spent significant amounts of time bargaining with the union over the last year for a new collective bargaining agreement. Management also briefed union leadership on a potential move of the Metro office to the Largo area when the lease expires at the current location in 2015.

As noted, monthly manager meetings are used to discuss labor-management and human resource issues; funding, including new initiatives Legal Aid may pursue as well as potential cuts; grant and contract compliance; training opportunities, and the status of any office relocations and hiring. Legal Aid's internal biweekly newsletter "What's Going On" highlights staff achievements, case successes, outreach, technology instruction, and appreciative letters staff have received from clients. Executive staff visit local offices to hear of the work of staff, to discuss issues of importance and executive decision-making, to introduce new hires in upper management, and to compile a "wish list" of local office and unit needs. Since the PQV visit, Executive has visited the Western, Midwestern, Southern, Baltimore County, Anne Arundel County, Northeastern, Lower Shore, and Upper Shore offices, as well as

the Baltimore City CINA and Housing/Consumer units. Certainly these meetings are beneficial for both staff and Executive. Executive will continue to make them a priority and endeavor to increase the visits. A goal of having one member of the Executive team visit each office every quarter has been articulated, but is an ambitious goal that has not been achieved. Despite the challenge of frequently visiting local offices, it cannot be said, as stated in the draft report, that “there is no vehicle for staff to communicate with the executive office if the chief attorneys do not convey information from or to the offices and units” or that there is “minimal direct interaction and communication with most staff.”

The hiring of a new Director of Communications has also occurred since the PQV visit, and she is tasked with enhancing both internal and external communication. Her assistance may be called upon to address Recommendations IV.6.22.1 and IV. 6.22.2. Further, an all-staff meeting is being planned for early 2015 and is long overdue. That event will be designed to provide communication opportunities and enhance morale and cohesion among staff.

Chief Attorneys and Opportunities to Engage in Peer-to-Peer discussions (p. 29)

LSC’s recommendation IV.6.23.1 contains an element of the absurd by suggesting that middle managers should make decisions on “common management issues” without the participation of executive leadership. The recommendation appears to invite a system where the top leadership of the organization is kept in the dark on collective decision-making affecting the entire organization. It would be helpful for the LSC team to offer a citation to a management literature that would support such a practice. Nevertheless, chief and supervisors may “strategize” and provide “peer-to-peer” support through the modern technology of e-mails and telephone. Chiefs in the past have utilized a list serve to share concerns outside of the earshot of Executive, and managers undoubtedly speak with one another on issues of concern. At the conclusion of each month’s management meeting, chiefs and supervisors often convene informal discussions about shared concerns. Lunch breaks during supervisor’s meetings also provide a forum for discussion. Executive leadership will be cognizant of this recommendation going forward and seek ways for Chiefs to have “peer to peer” discussion opportunities.

Vacancies (p. 30)

Most of the vacancies set forth in Finding 24 have been filled. In late 2013, Maryland Legal Aid significantly curtailed hiring in response to uncertainty over whether its CINA contract with the Department of Human Resources would be drastically cut. Vacancies went unfilled so that spots would be available for staff to avoid lay-offs in the event that state CINA procurement decisions were unfavorable to Legal Aid. With a monumental, comprehensive effort, Legal Aid was able to avoid what would have been a catastrophic loss of staff. In March of 2014, vacancies were continuing to be filled. The following positions have been filled since that time: Director of Advocacy for Training and Pro Bono, Director of Advocacy for Children and Families, Director of Development, and Director of Communications. Two staff attorneys also received promotion to “senior” status for the CINA practice and for training.

As for the local office hiring referenced in the draft report, the vacancies in Salisbury, Towson (two positions), Montgomery County (domestic attorneys), and Frederick have been filled. The “multiple

vacancies” in Riverdale were addressed earlier in this response, and no longer exist. Multiple vacancies arising since the PQV visit have also been filled in locations including the District Court Self-Help Center, Southern Maryland, Baltimore Administrative Law Unit, the Baltimore Intake Services unit, Montgomery County, Frederick, and the Foreclosure Legal Assistance Project in the Statewide Advocacy Support Unit.

Maryland Legal Aid disagrees with the finding that “staff losses and associated changes in functions and responsibilities have resulted in increased stress on staff, delays, decreased visibility, and more limited accessibility of top leadership.” Legal Aid further cannot ascertain what “decreased visibility” or “more limited accessibility of top leadership” means and particularly how those issues may relate to staff vacancies.

Further, the findings of this section, and parts of Recommendation IV.6.24.1 with regard to “increased stress” that vacancies cause and “workload/workflow issues that result from staff vacancies” appear to be at odds with other findings in the draft report, notably Finding 25 “LAB appears to be adequately staffed for an organization of its size and complexity” and a statement on Page 18 of the draft report on supervision: “Generally, advocates reported that caseloads are manageable and appreciate that supervisors monitor caseloads.” Certainly, monthly managers meetings and informal discussion enable managers to have regular dialogues on staffing adequacy. Caseload review provisions of Legal Aid’s collective bargaining agreement and regular caseload review by management present opportunities for temporary adjustments if staff feel caseload pressure. Although Legal Aid’s collective bargaining is currently expired, Legal Aid management continues to honor its provisions. As identified in the previous section on the Riverdale office, training has been provided in targeted ways if staff are asked to perform work in substantive areas in which they may be unfamiliar.

Technology, Finance, and Human Resources Administration (p. 30)

Page 31

Technology

Since the time of the PQV visit, the job title --Assistant Director of IT for Law Practice -- has been changed to Senior Applications Specialist. The duties of the position have not changed with the exception of supervisory responsibilities, which the specialist does not have. The former Assistant Director of IT for Law Practice transferred to an advocacy position outside of the IT unit and a new Senior Applications Specialist has been hired.

Finance

At the time of the LSC visit, Maryland Legal Aid’s finance team was staffed with five (not three) people who work under the Chief Operating Officer. Those positions include a Controller who supervises a senior accountant, a staff accountant, a payroll specialist, and an accounts payable specialist. Further, Maryland Legal Aid moved from a defined benefit plan to a 401(k) plan (not a 403(b)) in 2011.

The draft report states that “The LSC team learned that **many staff** [emphasis added] did not feel connected to members of the finance or technology teams, nor did they describe a consistent customer service orientation from everyone on the operations staff.’

It is unclear from the draft report how the LSC team came to this conclusion, whether it was through face-to-face interviews with staff, telephone conversations with staff, or the survey that was administered by LSC prior to its visit. The results of that survey were never shared with Maryland Legal Aid management in any meaningful way, i.e. no statistical or anecdotal information about the level or quality of response. It is difficult, therefore, to determine what LSC meant by “*many staff*” or its insinuation of *inconsistent customer service from everyone on the operations staff*.

The report further states that “This may be partly attributable to the limited contact most have with the operations team and to the bureaucratic and administrative requirements that are part of being a large organization with over 90% government funding.”

As noted above, Maryland Legal Aid is a large organization, not only in terms of its staff-size, but also, with 14 offices, its geographical reach. The operations team is based in Baltimore City, with the other administrative offices, and it is often difficult to get to county offices on a regular basis. Nonetheless, the operations team makes every effort to be as customer-focused and professional as possible within the confines of their responsibilities. The Controller has attended office visits throughout the state with the Executive team.

As to Recommendation IV.5.25.1 regarding performance evaluations, Maryland Legal Aid acknowledges the fact that it has not done performance evaluations on a regular or consistent basis. Maryland Legal Aid will make efforts to improve this aspect of its operation.

Resource Development (p.32)

As noted earlier in this response, since the PQV visit in March, Legal Aid has hired a new Director of Development, who has taken an immediate active involvement in Legal Aid’s Equal Justice Council to enhance private fundraising. Legal Aid’s former development director remains retained in a limited capacity as a consultant, and has had recent success in raising foundation funding for Legal Aid’s social work, long-term care, and elderly programs.

Migrant Farmworker Program (p. 32)

The draft report’s section on Maryland Legal Aid’s migrant program is a fair portrayal and highlights the impactful work that is done. One addendum to the report is that the project has settled the Westminster Wholesale Nurseries case, and the recovery includes time and a half for unpaid overtime, compensation for illegal deductions and unpaid hours, and attorneys’ fees and costs. The EEOC complaint against Tyson has been withdrawn, and the clients are reemployed with a new company.

Conclusion

Maryland Legal Aid again is appreciative of the time devoted by the LSC PQV team in visiting with its staff and compiling its report. It is hoped that LSC will consider this response in issuing its final report, and LSC should feel free to consult with Maryland Legal Aid's Chief Counsel to discuss information contained in the draft report and this response. Maryland Legal Aid is open and willing to further engage with LSC staff and the PQV team to discuss the draft report's finding and recommendations with the shared goal of making Maryland Legal Aid a model program in providing legal services to low-income individuals and families.