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June 11, 2014

Althea Hayward  
Program Analyst  
Office of Program Performance  
Legal Services Corporation  
3333 K Street, NW  
Washington, DC 20007

RE: Rhode Island Legal Services, Inc.  
Recipient Number: 140000  
Response to Draft PQV Report

Dear Ms. Hayward:

This letter will confirm receipt of the Program Quality Visit Draft Report March 31- April 4, 2014 for Rhode Island Legal Services, Inc. (RILS). On behalf of the Staff and Board of Directors of Rhode Island Legal Services, Inc. let me express our sincere appreciation to you, the OPP Visit Team, including Stephanie Edelstein, John E. Johnson, Jr., and Andrew Adkins for your professionalism, consideration of schedule changes and the insight you have shared during the exit interview and through the Findings and Recommendations of the Draft Report. While our comments stated below may not agree with all findings and recommendations, we understand and are mindful of the Legal Services Corporation's interest in assuring RILS continues its long tradition of providing high quality legal assistance to the low income residents, the elderly and victims of domestic violence.

The Draft PQV Report has been carefully reviewed and discussed with the RILS Management Team and members of the staff. Rhode Island Legal Services, Inc. states its response is as follows:

1. LSC states that RILS would benefit greatly from:
  - *Conducting a comprehensive assessment of the civil legal needs of clients in the state of Rhode Island separately or as a part of the Rhode Island Access to Justice agenda;*
  - *Engaging the program, under the leadership of the board of directors, in a strategic planning process;*
  - *Conducting a thorough evaluation of the program's intake processes, including input from staff, client and community stakeholders;*

- *Implementing a structured system of guidance and accountability for increased standardized supervision over the program's legal work regardless of whether the employee is relatively new or experienced;*
- *Being proactive and intentional with regard to the development of the program's litigation agenda, including approaching client legal problems that can be addressed through systemic solutions broadly;*
- *Expanding its private attorney involvement program by exploring other models for engaging private attorneys in its work;*
- *Developing and implementing ways in which RILS can provide more assistance to self- represented litigants;*
- *Implementing measures to protect the program's investment in technology, limiting its risks for computer failure and ensuring the program's return on investment; and*
- *Expanding its resources and revenue capacity.*

RILS agrees in major part with the recommendations with one caveat. Rhode Island Legal Services' litigation effort is proactive and intentional. However, it is not driven by the Litigation Director or Management in general. The litigation effort is client driven from issues identified as emerging issues by advocates engaged with the low income and elder community. Proposed litigation is presented to the Litigation Director for his review and approval prior to commencement.

With a client centered program, it is best to avoid pressing for systemic change that does not surface from our work with the client community. RILS is a client centered program and impact litigation has tended to emerge from the substantive law areas of public benefits, housing and education.

The provision of comprehensive high quality legal assistance requires a balanced approach between service and impact work. We are satisfied that Rhode Island Legal Services, Inc. has an appropriate balance. It is not static and over the years, the balance has shifted as a result of the composition and experience of the advocacy staff, funding, contractual obligations and the political and economic wellbeing of the client community.

With Reference to:

Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.

*Finding 1: There has not been a comprehensive statewide legal needs assessment for the entire low income population of Rhode Island in recent memory.*

*Recommendation I.1.1.1\*6:*

*RILS should conduct a comprehensive statewide assessment of the legal needs of the low-income population, including those who may be isolated by age, geography, disability, language, or race. This assessment should not be limited solely to written surveys. In the alternative RILS should collaborate with and support any effort by the Rhode Island Access to Justice Commission to conduct a statewide legal needs study.*

Rhode Island Legal Services, Inc. accepts the recommendation of LSC and agrees to conduct a comprehensive needs assessment. However, the needs assessment should be conducted as part of the year-long Strategic Planning Process referred to below.

With reference to:

Criterion 2. and 3. Setting goals and objectives, developing strategies and allocating resources and implementation.

*Finding 2: The program has not engaged in organizational strategic planning.*

*RILS has not conducted a strategic planning process that involves the board, staff and critical community stakeholders. The director indicated that the program does regular internal planning and develops an internal strategic work plan that guides its operations. While the work plan is helpful to the program, it is insufficient in providing goal setting and long range planning based on input from the RILS board, staff, the bar, clients and other community stakeholders.*

With reference to:

*Recommendation I.2.2.1\**

*RILS should undertake a strategic planning process involving the board, staff, clients and other stakeholders within the community. RILS should also include community partners, the judiciary, the bar, the courts and other relevant stakeholders in this process.*

Rhode Island Legal Services, Inc. accepts the recommendation of LSC and agrees to conduct a Strategic Planning Process. RILS will hire a part time consultant to assist in implementation of a Strategic planning process expected to last one year. The Strategic Planning Process will include four committees and with various subcommittees to consider, evaluate, recommend and implement a legal needs assessment, evaluation of existing intake, Case Management Systems review, Client access, Pro Se and Pro Bono efforts, leadership development, Board training, and resource development.

With reference to:

Criterion 4. Evaluation and adjustment.

*Finding 3: While RILS identifies emerging issues through its close affiliations with the community; the program has not developed a formal system to evaluate outcomes or the effectiveness of its work.*

RILS does not have a formal system for evaluation of outcomes. Furthermore, such a system of outcome evaluation has heretofore not been required by any funder including the Legal Services Corporation. While outcomes are considered informally when reviewing aspects of the delivery system, written reports on the outcomes are not prepared or submitted to any funding source. In discussions with the Director of Supervision and Evaluation, Janet Gilligan, Esq., she did not recall inquiry by the PQV Team into RILS utilization of outcome data that is entered by advocates at the time the case is closed.

RILS disagrees with the statement:

*The program does not appear to have analyzed the proportions of advice and brief service cases and extended service cases closed, nor compared the benefits derived from those delivery methods.*

RILS obtained a copy of the “Grantee Trends” 2006 to 2011 on March 29, 2013 from the Office of Program Performance. The data provided was analyzed and discussed with RILS management and members of the Board of Directors. Importantly, an analysis of the data reveals that the percentage of extended cases closed by RILS greatly exceeds the National medians per 10,000. From 2008 to 2011, 42% of cases closed per 10,000 were extended service cases, compared to the National median of 19.35%. Consequently, RILS respectfully requests that the sentence above be deleted from the Final PQV Report.

Notwithstanding the above, all RILS advocates are required to enter the outcome at the time the case is closed.

With reference to:

***Recommendation I.4.3.1:***  
***RILS should re-visit how it internally assesses and evaluates the effectiveness of its service delivery strategy. To the degree possible, the program should develop a clear, standardized methodology that takes into consideration the collection of outcome measures and case benefits data through its case management system.***

Rhode Island Legal Services, Inc. accepts the Recommendations I.4.3.1 and will revisit how it assesses and evaluates the effectiveness of its service delivery strategy. Currently, the Executive Director and Deputy Director review on a quarterly basis the outputs including the number of cases opened and closed and the number of cases open during a period of time. This data is also included and submitted in various reports to the Rhode Island Bar Foundation, the Rhode Island Judiciary and the Office of the Attorney General.

The Deputy Director, in her capacity as Director of Supervision and Evaluation, also reviews employee compliance with the time keeping requirements. Any anomaly or inconsistency is discussed with the advocate. RILS will, as part of its methodology, include the quarterly review of outcome data in the case management system.

With reference to:

***Recommendation I.4.3.2:***

***RILS should explore its capacity to expand its case management system to provide for the collection and analysis of more specific outcome data including main benefits achieved for clients. This data can be useful as a part of the program's public relations, marketing and resource development efforts.***

Rhode Island Legal Services, Inc. accepts Recommendations I.4.3.2 and states that it requires all advocates to enter the outcome in the Case Management System. The existing Case Management System allows for the collection and reporting of outcome data. Outcomes achieved will be reviewed on a quarterly basis, analyzed and compiled for utilization in the program's, public relations, marketing and resource development efforts as may be further defined in the future Strategic Planning Process. RILS has attached the quarterly outcome report from January 1, through March 31, 2014 for your review.

With reference to:

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

**Criterion 1. Dignity and sensitivity.**

***Finding 4: RILS operates a coordinated intake system.***

The description of the how clients access the RILS is not accurate. LSC states:

*Initial requests for services are usually handled by the Providence receptionist who screens the request for case type. Information about each request is entered by the receptionist into the program's web-based call back module.*

All calls to RILS are answered by an automatic attendant. Applicants contacting the office by phone are advised in English and Spanish of menu options. For example, if the applicant is calling with a domestic violence problem, they are advised to press 145; if they are calling with a tax issue to press 135; applicants with consumer issues are referred to 146; and applicants calling with a foreclosure problem are referred to extension 124. Spanish speaking callers are referred to extension 110 for assistance. All other callers are referred to the receptionist. Therefore, only a limited percentage of applicants are screened for problem type by the receptionist prior to being placed on rilsintake.org.

The description of return intake calls is not accurate. LSC states:

*Generally, all return intake calls are made by legal assistants from individual practice groups within twenty-four hours.*

RILS attorney staff routinely return intake calls. Attorney Veronika Kot returns all education calls, Managing Attorney Elizabeth Segovis returns a significant number of tax calls, Attorneys Owen Rice, Steven Bagian, Mike Zabelin, Eric Bither, Jeffrey Ankrom, and Supervising Attorney Steven Fischbach return eviction and foreclosure calls and Supervising Attorney Bath returns public benefits calls along with the legal assistants.

The description of walk in intakes is not accurate. LSC states:

*Applicants who walk in are screened for eligibility by the receptionist, and, depending on the nature of their problem, usually get an appointment with an advocate.*

The Receptionist does not screen walk in applicants for eligibility.

With reference to:

***Recommendation II.1.4.1\****

***RILS should establish an Intake Committee including staff representing all offices, units, and positions, as well as client stakeholders, to work with management in evaluating the current RILS intake system. This evaluation should take into consideration:***

- a. The expanded use of RILS' new technology capacity;***
- b. An assessment of client access challenges throughout the service area, including but not limited to language and geographic access;***
- c. A review of other program's intake models, particularly those similar to Rhode Island in funding, size, population, etc.;***
- d. Exploration of the possibility of installing a "single point of entry" intake number that will channel calls based on the caller's exchange number to the correct office, and then based on a set of instructions to the correct person based on language needs, problem type or other characteristic.***

Rhode Island Legal Services, Inc. accepts Recommendation II.1.4.1\* and will create an Intake Committee including staff representing all offices, units, and positions, as well as client stakeholders, as part of the Strategic Planning Process to work with management in evaluating the current RILS intake system.

With reference to:

***Recommendation II.1.4.2\****

***RILS should assess whether its current case management system has the capacity to support the type of data collection and reporting the program will need in the future, and should examine upgrades or other software that might better suit the needs of the program.***

Rhode Island Legal Services, Inc. accepts Recommendation II.1.4.2\* and will assess whether its current case management system has the capacity to support the type of data

collection and reporting the program will need in the future, and should examine upgrades or other software that might better suit the needs of the program.

With reference to:

**Criterion 2. and 3. Engagement with and Access and Utilization by the low-income population**

With reference to:

*Finding 5: Recently RILS hired a Spanish Interpreter to assist staff at intake and with interpreter services in court. At the present time, this employee is presently working only 3 hours per day.*

It should be noted that the recent hire of a Spanish Interpreter resulted from the loss of several Spanish speaking staff members who had previously assisted with intake and court interpretation services. In addition, all other Spanish speaking staff members are required and routinely assist their colleagues with language translation.

With reference to:

***Recommendation II.2.5.1:***  
***As soon as is financially feasible and to the degree that resources permit, RILS should consider increasing the hours of the Spanish interpreter.***

RILS accepts Recommendation II.2.5.1 and states that the hours of the Spanish interpreter have been increased from 15 to 25 hours per week.

***Recommendation II.2.5.2:***  
***RILS should explore the use of Language Line or a similar service to assist clients and applicants who speak languages other than English, Spanish or Portuguese in order to eliminate all language barriers.***

RILS rejects Recommendation II.2.5.2 for it already has long-term established relationships for interpreting services from Dorcas International and Horton Interpreters. Dorcas International is available 24 hours per day.

With reference to:

***Recommendation II.2.5.3:***  
***As it explores expansion of the use of its technology and software, RILS should consider the provision of information in other languages on its website.***

RILS accepts Recommendation II.2.5.3 and will explore the provision of information in other languages on its websites.

With reference to:

***Recommendation III.1.6.1:  
The program should establish and populate a program-wide pleadings bank accessible by all program staff.***

RILS accepts Recommendation III.1.6.1 and will over the next six months establish and populate a pleadings bank accessible to all program staff.

With reference to:

***Recommendation III.1.6.2:  
RILS should endeavor to hold program wide advocate meetings and provide training opportunities so that its advocates enhance their issue spotting skills outside of their practice groups and their ability to view key issues affecting the client community strategically.***

RILS accepts Recommendation III.1.6.2 and has resumed its routine monthly statewide staff meetings at which ongoing and potential litigation are discussed. In addition, RILS will continue to offer in-house training opportunities consistent with the Collective Bargaining Agreement, and continue to encourage advocates to enhance their issue spotting skills outside of their practice groups as well as their ability to view key issues affecting the client community strategically.

With reference to:

***Finding 9: The program's advocates would benefit from a more proactive and strategic approach to legal work management and supervision.***

RILS accepts the finding in general, but disagrees with several statements made in furtherance of reaching the conclusion that RILS advocates could benefit for a more proactive and strategic approach to legal work management. While LSC found that:

Moreover, throughout the program, the LSC team found that in most cases, legal work supervision appears to be self-directed and reactive rather than the result of deliberate and thoughtful oversight provided by most managers.

The assessment that legal work supervision appears self-directed is incorrect. The level of supervision required for experienced advocates is less than required for new attorneys. For example, the Managing Attorney of the Foreclosure Prevention Project was involved in nearly every case handled by newly hired Staff Attorneys in the Foreclosure Prevention Project. As their skill level developed, less hands-on supervision was required. Similarly, other units experience varying degrees of hands-on supervision as a result of different case and individual needs requirements. In addition to the supervision of legal work provided by Managing Attorneys, the program employs four Supervising Attorneys that are more involved on a day to day basis with the legal work supervision, including Gretchen Bath, Esq., Steven Fischbach, Esq., Denise Aiken, Esq. and Bridgett Louro, Esq.

RILS further disagrees with the concluding statement in finding 9 that:

*Consequently, the program does not appear to be engaged in any systemic or impact litigation.*

Rhode Island Legal Services, Inc. has achieved an appropriate balance between impact and service cases. A number of advocates have had the opportunity and support of the program to address systemic issues. Some examples of the work are listed below:

### **Education Impact Cases**

1. Complaint filed with US Office of Civil Rights, US Department of Education (2013-2014), regarding violations under 504 of the Rehabilitation Act, the failure of Providence school district to provide appropriate and timely evaluations and services to children with disabilities. A Conciliation agreement found violations and required staff training on 504 rights.
2. Complaint filed with US Department of Labor regarding Title VI violations by RI Department of Labor and Training and Board of Review regarding failure to provide translation and interpreter services. Followed up with multiple individual civil rights complaints (to EEOC officer of RI DLT and copied to DOL office of civil rights). After lengthy investigation the US DOL found numerous violations and required RI DLT to enter in a corrective agreement, including providing interpreters and translating notices; also required community advisory council to help oversee the implementation process. RILS is participating on this advisory council
3. Class Administrative Complaint against Providence School District (2012) regarding failure to evaluate children and youth with disabilities –violation of 504 of Rehabilitation Act. Violations found and District required to take corrective action including staff training.
4. Special Education Complaint (2014) regarding district refusal to permit participation of child's therapist in IEP team meetings despite clear special education regulations permitting parent to bring person(s) of her choosing and with expertise regarding the child. Favorably settled with district rescinding its action.
5. Complaint to Rhode Island Commissioner of Education (2013-2014) regarding charging of summer school fees by a district despite 150 years of precedent in RI prohibiting fees on student programming and services. Low income parent was charged \$700 for summer school, denied a waiver, etc. despite the school's failure to address her child's needs during the school year. Pending currently before Board of Education (on appeal). The issue is important in light of increasing demands on student performance, including high stakes testing for graduation, the significant underperformance of lower income students, and their access to remedial services.

## Public Benefit Impact Cases

1. Williams et al v. Grossi (D.R.I.), co-counseled with NHelp, challenged the state's failure to apply federal-law standards when determining disability for purposes of adult MA. Case was resolved by 2011 settlement agreement requiring the state to have hearing officers and staff undergo training arranged by plaintiffs' counsel; adopt and implement regulations incorporating federal standards; cease the practice of deferring to MART, and review all the named plaintiffs' cases by reference to the new regulations. Although not a class action, it significantly changed the way hearing officers reviewed disability—perhaps most significantly, resulted in state's recognition that Step 2 is a de minimis standard (at time case was filed, the great majority of appeals were denied at Step 2 using a much more onerous standard).
2. Cartwright v. Powell, a state Superior Court case now on appeal in state Supreme Court. Plaintiff sought a declaration that the agency's "two-strikes" rule in the cash hardship program is invalid for lack of statutory authority and, as applied, deprives applicants of benefits without due process. (The 2-strike rule is the chief basis for hardship denials, resulting in numerous agency hearings). Superior Court granted summary judgment finding sufficient statutory authority; finding a due process violation on a basis argued by neither side; and purported to "remand" to superior court. Plaintiffs recently filed an appeal in the Supreme Court.
3. Holmes v. Constantino, D.R.I. Plaintiff challenged the state's policies and practices of requiring adult applicants for Medicaid who claim disability to affirmatively prove that they comply with all treatment recommendations and have exhausted all sources of free care, as a condition of establishing disability. Plaintiff also claimed that the failure to notify appellants of this policy pre-hearing deprives applicants of benefits without due process. Plaintiff claimed that the practices violated federal law and sought declaratory and injunctive relief. Defendant moved to dismiss, and the Court advised Defendant to raise "Burford abstention" as the reason. The case was briefed and this year the Court ruled in Plaintiff's favor on Burford abstention, but went on to rule that Plaintiff lacked standing to challenge the policy and practice; Defendant had not argued lack of standing, not had the issue been briefed. (RILS Litigation director decided we should not appeal.)
4. Walmsley v. Alexander, state Superior Court. Plaintiff sought a declaration as to the constitutionality and legality of the state's policies and practices related to its front-end detection program. Among other things, it challenged, on due process grounds, the state FRED investigators' practice of withholding (concealing) exculpatory evidence it had gathered during the course of the investigation, and issuing a report and testifying at hearing only about the evidence which supported its conclusion, without disclosing receipt of evidence contra. Superior Court ruled (without explaining why) that Plaintiff lacked standing to pursue her complaint under UDJA. The Supreme Court denied plaintiff's petition for certiorari. Nevertheless, the case led the state EOHHS to adopt regulations requiring all agency staff to disclose exculpatory material to appellants.

5. Houghton v. Alexander, state Superior Court. Two plaintiffs sought a declaration under the APA on the validity of the agency's rule capping cash hardship benefits (TANF benefits) to 12 months in a lifetime. Superior Court declared the rule invalid for lack of specific statutory authority and enjoined it; as a result, many hardship recipients were able to retain their much-needed benefit entitlements. The state initially sought Supreme Court review, but then withdrew its appeal.

## **Housing Impact Cases**

1. Miller v. Logue (US District Court)  
RILS obtained a TRO compelling the City of Pawtucket to restore water service to our client's dwelling where the water pipe had burst in an adjoining building and service was shut off by the City in January 2014. Immediately thereafter, the City condemned our client's dwelling due to lack of water. After issuing the condemnation notice the City never informed our client when she would have to vacate; and almost three weeks after the notice was issued City officials appeared at her home with the police and escorted her and her family out of the building. The TRO was based on our claim of denial of due process (no notice or opportunity to be heard to challenge the condemnation) under the 14<sup>th</sup> Amendment to the US Constitution. This was the second condemnation by the City that RILS was aware of where the City failed to provide tenants with notice and an opportunity to be heard to challenge the condemnation.
2. Abbatematteo v. FHFA et al. (U.S. District Court)  
Allard v. FHFA et al.  
Potter v. FHFA et al.  
Shwartz v. FHFA et al.  
Thornton v. FHFA et al.

These cases filed in 2013 and 2014 all involve challenges to non-judicial foreclosures conducted by either Fannie Mae and Freddie Mac. The challenges are based on the failure to provide notice and an opportunity to be heard prior to the foreclosure as required by the 5<sup>th</sup> Amendment to the US Constitution, contending that after being taken over by the Federal Housing Finance Agency, Fannie and Freddie are federal actors and are subject to the U.S. Constitution. Four of these cases are in the process of settlement on terms very favorable to the borrower (usually involving an affordable loan modification). One of the cases is not likely to settle, and we anticipate a hearing on our motion for preliminary injunctive relief to occur sometime in July.

3. In Re Mortgage Foreclosure Cases (1<sup>st</sup> Circuit Court of Appeals)  
In 2013, RILS submitted an amicus brief to the First Circuit Court of Appeals, along with the Brennan Center for Justice and the National Consumer Law Center, urging the Court to uphold a mandatory mediation program established by the U.S. District Court for the District of Rhode Island. One aspect of the mediation program included a stay on conducting foreclosures or evictions of borrowers while their case was pending. The First Circuit directed the District Court to make a finding of likelihood of success on the merits per Rule 65 of the Federal Rules of Civil Procedure for any cases where foreclosures and/or evictions were stayed. The District Court eventually determined that

it could not make such a finding and subsequently vacated the stay of foreclosures and evictions.

4. **Enforcement of Title VI of the Civil Rights Act of 1964**  
Supervising Attorney Steven Fischbach is working with an informal coalition of environmental justice and civil rights groups to improve enforcement of Title VI by the US Environmental Protection Agency and the Department of Justice. This coalition has had a series of meetings with EPA Administrators Jackson and McCarthy at EPA Headquarters, which resulted in EPA issuing two white papers for public comment. The first white paper proposed eliminating a rebuttable presumption used by the agency where compliance with environmental standards was deemed compliance with Title VI's prohibition of discrimination on the basis of race, color or national origin. The second white paper proposed a process for involving persons or entities that filed discrimination complaints under Title VI in the resolution of those complaints. EPA has yet to act on those white papers. There were additional commitments made by EPA to improve its Title VI enforcement program, including changes to the process of awarding funds to recipients and the establishment of an electronic docket for complaints filed under Title VI.
  
5. **Sustainable Communities Project**  
The State of Rhode Island received a grant from HUD under HUD's Sustainable Communities grant program to develop a comprehensive statewide Sustainable Development Plan that included elements on Housing, Economic Development, Transportation and Land Use. RILS is a partner to the grant and sits on the grant's governing body (Consortium). RILS's role has been to insure that issues of social equity are properly considered in the development of the Plan. RILS helped write a portion of the grant which committed the State to establish a Social Equity Advisory Committee (SEAC) to the State's Division of Planning, as a vehicle for insuring consideration of social equity issues during the Plan's development. RILS also sits on the SEAC as well as subcommittees working on the Housing and Economic Development portions of the Plan.

With reference to:

***Recommendation III.1.9.1\****

***The litigation director should assume a more proactive role in promoting the program's litigation agenda.***

Rhode Island Legal Services, Inc. accepts Recommendation III.1.9.1, with modifications. Robert M. Sabel, the current Director of Litigation, manages the Newport Branch Office and has a full case load while working a schedule of reduced hours. It would be unrealistic to expect that Robert Sabel would continue his other duties and responsibilities while promoting a more active litigation agenda. Consequently, RILS will reassign a portion of the work-week of Deputy Director Janet Gilligan and Managing Attorney Rebecca Angelone to work as Advocacy Directors, in family law and consumer law, respectively. Both will be attending NLADA's Litigation and Advocacy Directors Conference to be held in Austin, Texas.

With reference to:

***Recommendation III.1.9.2***

***The program should consider its approach to advocacy so as to identify and expand opportunities for systemic advocacy and impact litigation.***

RILS accepts Recommendation III.1.9.2. RILS agrees to reconsider its approach to advocacy in an effort to expand systemic advocacy and impact litigation. However, RILS is satisfied that its existing approach to litigation has resulted in an acceptable balance between service and impact work. The balance between the two is not static. It shifts based upon several factors, including funding, contractual obligations, staffing levels, the skill and experience of the attorney staff, and the social and political climate.

Most importantly, the approach of Rhode Island Legal Services to advocacy and impact work is that it should be driven by the client community. For many years, RILS has worked to become more client centered. This approach is consistent with the Community Lawyering Model we attempt to move toward. As a client centered program, systemic advocacy and impact litigation emerge from client contact, intake or from community groups. Under our current approach, the advocates identify issues and bring them to the attention of the Litigation Director. As a general rule, the impact work has been in the areas of public benefits, housing and education.

With reference to:

***Recommendation III.1.9.3\****

***RILS should implement a standard protocol for legal work management oversight and ensure that all legal work managers are held accountable for oversight of the work of the program's advocates regardless of the advocate's years of experience.***

RILS accepts Recommendation III.1.9.3 and will, within thirty days of issuance of the Final Program Quality Visit Report, adopt a standard protocol for legal work management consistent with Section 6 Standards for Quality Assurance of the Standards for Provision of Civil Legal Aid. More specifically, at a minimum, this will include, yearly case reviews for all advocates.

With reference to:

***Recommendation III.1.9.4***

***To the degree possible, the program should explore case assignment methods to provide a more balanced caseload among advocates,***

RILS rejects Recommendation III.1.9.4. The current case assignment system reflects a number of factors that dictate the appropriate number of cases an advocate should have. RILS is a diverse program whose advocates engage in a variety of substantive areas of law as well as fulfilling commitments in a variety of judicial forums. Some workgroups function more in the

nature of a public defender practice while others are designed to focus more deliberately on particular legal problems. Each unit or workgroup has established successful methods of assigning cases that is appropriate to its work and requirements. The litigation balance referenced above is supported by RILS' current practices.

With reference to:

**Criterion 2. Private attorney involvement.**

***Finding 10: RILS collaborates with the Rhode Island Bar Association (RIBA) to integrate private attorneys into its work.***

The Legal Services Corporation finding that “neither VLP nor RILS staff involved in pro bono operations has attended the Equal Justice Conference in recent years” is inaccurate. Mr. Barge has attended the Equal Justice Conference for the last two consecutive years. In addition, Mr. Barge reviews the VLP Reports and executes the Agreement between The Rhode Island Bar Association and Rhode Island Legal Services, Inc.

With reference to:

***Recommendation III.2.10.1\****

***RILS is urged to expand its private attorney involvement program by exploring other models for involving private attorneys in its work, including the use of private attorneys in clinics, in the provision of pro se assistance and in the provision of advice to clients not receiving extended representation.***

Rhode Island Legal Services accepts Recommendation III.2.10.1. Rhode Island Legal Services will explore other private attorney involvement models including expanding private attorney involvement through implementation of faith based clinics. In addition to exploration of other private attorney involvement models, RILS will also consider ways, to improve services to Pro Se litigants.

With reference to:

***Recommendation III.2.10.2***

***RILS is urged to take the opportunity presented by the creation of an Access to Justice Commission to work with that Commission to develop new models for involving the private bar and law students in the provision of legal assistance to low income persons in the state.***

Rhode Island Legal Services, Inc. accepts Recommendation III.2.10.2 and states that the Access to Justice Commission is still in the process of being organized. The Executive Director of RILS is involved with organizing the Access to Justice Commission and concurs that the Commission should explore new models for involving the private bar and law students in the provision of legal assistance to low income Rhode Islanders.

With reference to:

***Recommendation III.2.10.3***

***RILS is encouraged to identify systemic issues that might be addressed through the Pro Bono Collaborative.***

Rhode Island Legal Services, Inc. accepts Recommendation III.2.10.3. RILS Staff Attorney Owen Rice sits on the Advisory Committee of the Pro Bono Collaborative. RILS will proactively encourage advocates to identify systemic issues that might be addressed through the Pro Bono Collaborative.

With reference to:

***Recommendation III.2.10.4***

***As funds become available, staff involved in PAI activities should be urged to attend the Equal Justice Conference and other related training opportunities.***

Rhode Island Legal Services, Inc. accepts Recommendation III.2.10.4 and states that RILS Executive Director has attended the Equal Justice Conference for the last two years. RILS will, subject to the availability of funds, authorize others involved with Private Attorney Involvement activities to attend the conference.

With reference to:

***Recommendation III.2.10.5***

***RILS should review its sub-grant agreement with the RIBA to ensure that it is up to date, accurate and includes additional opportunities to involve the private bar.***

Rhode Island Legal Services, Inc. accepts Recommendation III.2.10.5.

With reference to:

**Criterion 3: Other program services to eligible client population**

***Finding 11: RILS is highly engaged with the low-income community.***

As found by the LSC PQV Team, RILS is highly engaged with the low-income client community. As such RILS advocates are positioned to hear of developing issues and present systemic problems to be addressed to the Director of Litigation. However, Rhode Island Legal Services, Inc. disagrees with the finding that:

***At the time of the LSC visit, RILS was not engaged in providing pro se assistance to low income litigants with the exception of its Low Income Tax Credit clinics.***

*The program has expressed an interest in expanding its service delivery through the use of clinics and other pro se services.*

The Housing Law Center and Foreclosure Prevention Project provides Pro Se litigants access to a number of helpful Pro Se materials to assist them in representing themselves in the Rhode Island District Court in housing matters. These materials attached for your review include:

- *Filing a Request For a Temporary Restraining Order in District Court*
- *Filing an Appeal of an Eviction From District Court to Superior Court*
- *Representing Yourself in Your Eviction Case*
- *Fixing Problems in Your Apartment: the Repair and Deduct Rule*
- *Worksheets to help You Challenge a Denial of Housing*
- *Your Rights in Small Claims Court*
- *Your Security Deposit Rights*

With reference to:

***Recommendation III.3.10.1***

***As the RILS website is updated and further developed, the program should include materials and information in languages other than English.***

Rhode Island Legal Services, Inc. accepts Recommendation III.3.10.1 subject to availability of funds to support the project.

***Recommendation III.3.10.2\****

***RILS should develop pro se clinics for low income litigants throughout the service area. These could be conducted as a joint project in collaboration with the courts, VLP and/or the law school.***

Rhode Island Legal Services, Inc. accepts Recommendation III.3.10.1 subject to the willingness of the Rhode Island Supreme Court, Roger Williams School of Law, the Rhode Island Bar Association's Volunteer Lawyer Program to collaborate in such a joint project and the availability of funding to support the project.

With reference to:

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

***Criterion 1. Board governance.***

***Finding 12: RILS' board of directors is appropriately engaged, and provides effective oversight of the affairs of the program.***

*Board minutes were not sufficiently detailed to reflect a true picture of the extent of the work and the level of discussion in which the board appears to be engaged. The minutes often reflected the board going into executive session, and the details of critical reports and presentations from members of staff including management and litigation staff are not sufficiently described to demonstrate the level of oversight the board provides. The team confirmed that these reports and presentations were made at board meetings during interviews with board members and by reviewing the board meeting materials.*

Rhode Island Legal Services, Inc. disagrees and is satisfied that the Board minutes are sufficient.

With reference to:

***Recommendation IV.1.12.1***

***RILS should evaluate how it is recording the minutes of full board meetings and committee meetings to ensure that the program preserves a record that protects it from risk and provides necessary information to support and document its activities.***

Rhode Island Legal Services, Inc. disagrees and is satisfied that the Board minutes are sufficient.

With reference to:

***Recommendation IV.1.12.2\****

***The RILS board should include on its agenda an opportunity for its staff to provide advocacy updates and make special presentations to keep the board informed and connected to the staff.***

Rhode Island Legal Services, Inc. accepts Recommendation IV.1.12.2 as it is the normal practice to periodically include on its agenda an opportunity for its staff to make special presentations to keep the board informed.

With reference to:

***Recommendation IV.1.12.3\****

***RILS should organize and sponsor periodic training for its board members.***

Rhode Island Legal Services, Inc. accepts Recommendation IV.1.12.3

With reference to:

***Recommendation IV.1.12.4\****

***As a part of and based on the provisions of its strategic planning initiative, the board should work with the executive director to develop and approve a new resource development plan to address revenue losses, and to promote and find new sources of funding to expand services consistent with its mission.***

Rhode Island Legal Services, Inc. accepts Recommendation IV.1.12.4

With reference to:

***Recommendation IV.1.12.5***

***In its future evaluations of the executive director, the board of directors should consider input from other constituents, including RILS staff members and community stakeholders. Examples of executive director evaluation processes used by other program boards can be found at LSC's Legal Resource Initiative at [www.lri.lsc.gov](http://www.lri.lsc.gov).***

Rhode Island Legal Services, Inc. will consider Recommendation IV.1.12.5

With reference to:

***Recommendation IV.1.12.6\****

***The RILS board should conduct a review the program's bylaws to ensure that they comport with current laws, and with the current practices of the organization.***

RILS agrees that the Board of Directors will review the program's bylaws to ensure that they comport with current laws and with the current practices of the organization.

With reference to:

**Criterion 2. Leadership.**

***Finding 13: The program's leadership team has significant experience and leadership ability.***

Finding 13 is in error in that the Executive Director has served for 24 years rather than 26 years.

With reference to:

***Recommendation IV.2.14.1\****

***RILS should re-assess their existing leadership succession statement and expand it to include a leadership succession plan for all categories of management throughout the program. Examples of leadership succession plans developed by other legal services programs can be found at [www.lri.lsc.gov](http://www.lri.lsc.gov).***

Rhode Island Legal Services, Inc. agrees to expand its succession plan for all categories of management.

With reference to:

***Recommendation IV.3.15.1\****

***RILS should implement the recommendations outlined in the Technology Assessment Report completed during the program quality visit. These include:***

- a. Regularly forcing the change of passwords for all users;***
- b. Encrypting data fields in the client intake system, [www.rilsintake.org](http://www.rilsintake.org);***
- c. Backing up the hosted call intake system at least weekly or more often***
- d. Clarifying who has remote access to the RILS network***

RILS accepts recommendation IV.3.15.1 and has begun implementation of the recommendations.

With reference to:

***Finding 16: The program's organizational chart is complex.***

In preparation for the visit, the team reviewed the program's organizational chart as well as other documents related to the program's management and supervision. The team expressed some concern about the complex nature of the RILS' organizational chart. The chart does not depict a clear flow of authority and responsibility and includes practice groups and units that no longer exist. In addition, the chart includes information that may be misleading when considered without an explanation. For example, the chart includes a state support group and a group called a Legal Advice and Referral Center (LARC). While some staff carry out the functions of legal advice and referral, there is no LARC entity. Likewise, the team was unable to identify a state support "group."

The organizational chart is further complicated by multiple layers of supervision. For example, some staff indicated that they were supervised by more than one manager depending on the nature of their work. In the pre-visit survey conducted by the LSC team, 80% of the staff believed that supervisory lines of authority were clear enough, although interviews indicated that some managers were stretched very thinly, others did not manage or lead well, and that a clearer vision of organizational leadership and management would be helpful.

The Legal Services Corporation points out in Finding 16, that the Organizational Chart may seem misleading without an explanation. For example, the Organizational Chart has, as LSC points out, a group called the Legal Advice and Resource Center (LARC). In November of 2013, RILS submitted to the Board of Directors, and to the staff its explanation of projects and programs. One program we discussed is the LARC. The explanation given for that project asserts that full implementation will occur over a 12 month period as the program moves to centralized intake. Implementation of this project has been thwarted time and again over a period of years. RILS simply has neither the personnel nor the funding to fully implement this project. However, the Executive Director refuses to concede failure and believes that keeping

the project on the chart leads us to move in that direction. To be clear, each person indicated as a member of LARC works on a daily basis doing intake and is included in the long range development plans of LARC. The Organizational Chart was developed internally for RILS and its staff and is aspirational in nature.

Rhode Island Legal Services, Inc. objects to the inclusion in Finding 16 of the statements made in the interviews that some managers did not lead well while other are stretched too thin. These statements must be considered within the context of a program that only in the week before the LSC Program Quality Visit signed a new Collective Bargaining Agreement. This concluded Federal Mediation and a long and contentious year of negotiating with District 1199, New England Health Care Employees Union.

During the period of time from 2010 to 2013, RILS laid off twelve employees, including three managing attorneys. The District 1199 had lobbied for upper management to share in the pain of layoffs. Instead, RILS retained its cadre of senior managers and laid off three managers that were hired out of the ranks of the Bargaining Unit. Also, during this same period, RILS implemented a reduction in hours plan. These cost savings measures while enabling the program to survive the loss of revenue have taken a toll on the otherwise high morale and camaraderie that has been a hallmark of Rhode Island Legal Services. Consequently, negative statements made regarding the performance of the management team are understandable yet should not be included as factual findings.

With reference to:

***Recommendation IV.3.16.1***

***The RILS management team should explore how it can re-define and re-allocate its duties to facilitate clearer lines of authority, management and leadership. Once completed, each manager should be held accountable for all duties and responsibilities of his/her job description and evaluated regularly as to performance.***

RILS accepts recommendation IV.3.16.1 and will explore how it can re-define and re-allocate its duties.

With reference to:

***Recommendation IV.3.16.2\****

***The program should review and revise its current organizational chart to provide clear lines of authority by position, A separate chart should be prepared that depicts the flow of authority based on current RILS projects.***

RILS accepts Recommendation IV.3.16.2\* and will review and revise its Organizational Chart. Furthermore, a separate chart will be developed that depicts the flow of authority.

With reference to:

***Recommendation IV.5.18.1:\****

***RILS should explore closer relationships with limited English speaking communities and minority bar associations as it seeks to recruit advocates in the future. Recruitment and retention efforts should include outreach to community organizations and law schools to ensure that job announcements and recruitment notices are shared in these communities.***

Rhode Island Legal Services, Inc. accepts Recommendation IV.5.18.\* and will continue to develop its close relationships with limited English speaking communities and the Thurgood Marshall Law Society. It should be noted that Progresso Latino, Rhode Island's primary Latino community group, appoints a member to the RILS Board of Directors as does the Rhode Island Indian Council. The Executive Director, a founding member of the Thurgood Marshall Law Society, will continue his involvement in that organization.

***Recommendation IV.6.19.1***

***RILS should re-visit its schedule for program-wide staff meetings and enhance those meetings with opportunities for staff training and staff input. Where appropriate, RILS should consider more ways to obtain input from staff in decision-making on matters related to service delivery issues.***

Rhode Island Legal Services, Inc. currently meets monthly with its staff. Where appropriate, RILS agrees to obtain input from its staff, consistent with the Collective Bargaining Agreement related to service deliver issues.

With reference to:

***Recommendation IV.6.19.2***

***RILS would benefit from the creation of a staff committee to help the deputy director develop an internal newsletter building on the "Just So You Know" model that can be distributed electronically to board and staff on a regular basis.***

Rhode Island Legal Services, Inc. will consider implementation of Recommendation IV.6.19.2 by creating a formal newsletter. However, RILS believes there is value in the informal and spontaneous format of "Just So You Know". RILS will survey the staff for their input as to whether the implementation of a newsletter is a worthy endeavor.

Rhode Island Legal Services understands that in the short period of time given to review a state wide program that there are bound to be inaccuracies or misunderstandings about the function of the program and key components of its delivery system. RILS hopes that our requests for deletion be seriously considered so as to offer the public the most accurate and complete picture of RILS and how we service the client population.

Once again, let me express our appreciation of the professionalism of the Legal Services Corporation's Program Quality Visit Team. Our common goal of ensuring that RILS be the best program it can be will be well served by this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert M. Barge', with a long horizontal flourish extending to the right.

Robert M. Barge  
Executive Director