



# SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES

Administrative

Alliance Bank Building

55 East Fifth Street, Suite 1000

Saint Paul, Minnesota 55101

Phone: (651) 228-9823 • Fax: (651) 228-9450

website: www.smrls.org • email: smrls.administration@smrls.org

J. Scott Braden  
President

Terrance C. S. Newby  
First Vice President

Gail Olson  
Second Vice President

Charles K. Frundt  
Secretary

Thomas Hatch  
Treasurer

Jessie R. Nicholson  
Chief Executive Officer

Gary M. Hird  
Chief Operating Officer

Michael Hagedorn  
Litigation Coordinator

Janet C. Werness  
Support Counsel

Charles Thomas  
Support Counsel

Kathie Battle Sayles  
Coordinator  
Campaign for Legal Aid

ST. PAUL AREA OFFICE\*  
Alliance Bank Building  
55 East Fifth Street, Suite 400  
St. Paul, MN 55101  
(651) 222-5863

EASTSIDE & AMERICAN INDIAN OFFICE  
579 Wells Street, Suite 100  
St. Paul, MN 55110  
(651) 771-4455

EAST METRO SUBURBAN OFFICE  
712 Canterbury Road South  
Shakopee, MN 55379  
(952) 402-1040

S.E. AREA OFFICE\* &  
RURAL INTAKE "HOTLINE"  
132 N. Broadway  
Albert Lea, MN 56007  
(507) 377-7401

S.E. AREA OFFICE  
903 W. Center Street, Suite 130  
Rochester, MN 55902  
(507) 292-0080

S.E. AREA OFFICE\*  
66 E. Third Street  
Winona, MN 55987  
(507) 454-6660

S.W. AREA OFFICE\*  
12 Civic Center Plaza, Suite 3000  
Mankato, MN 56002-3304  
(507) 387-5588

S.W. AREA OFFICE\*  
421 Tenth Street  
Worthington, MN 56187  
(507) 372-7368

EDUCATION LAW ADVOCACY PROJECT  
450 N. Syndicate Street, Suite 285  
St. Paul, MN 55104  
(651) 291-2837

HOUSING ALLIANCE LAW OFFICE  
798 East 7th Street  
St. Paul, MN 55106  
(651) 771-9323

HOUSING ALLIANCE LAW OFFICE  
District 7 Office - Frogtown Branch  
533 N. Dale Street  
St. Paul, MN 55103  
(651) 789-7482

MINNESOTA FAMILY FARM LAW PROJECT  
12 Civic Center Plaza, Suite 3000  
Mankato, MN 56002-3304  
(507) 387-1211

REFUGEE, IMMIGRANT, and  
MIGRANT SERVICES (RIMS)

450 North Syndicate Street, Suite 285  
St. Paul, MN 55104  
(651) 255-0797

118 Broadway, Suite 616  
Fargo, ND 58102-4647  
(701) 232-8872

c/o IMAA  
2500 Valleyhigh Drive NW  
Rochester, MN 55901  
(507) 289-5960, ext. 104

\*Office has a special Legal Advocacy for Older Americans Project and a Volunteer Attorney Project Program

Affirmative Action, Equal Opportunity Employer

Partially funded by:



March 17, 2014

Ms. Evora Thomas, Program Counsel  
Office of Program Performance  
Legal Services Corporation  
3333 K Street, NW, 3<sup>rd</sup> Floor  
Washington, D.C. 20007-3522

RE: Program Quality Visit to Southern MN. Regional Legal Services, Inc.  
Grantee Number: 524030

Dear Ms. Thomas:

Please find enclosed the comments to the Draft Report on the on-site assessment that was conducted September 30-October 4, 2013. SMRLS received the draft on February 24, 2014 with a response due back to LSC on or before March 20, 2014.

For consistency purposes, please correct the designation of the executive to correctly reflect the title: 'chief executive officer' as opposed to 'executive director.'

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jessie R. Nicholson, Esq.  
Chief Executive Officer

Enc.

RECEIVED  
2014 MAR 21 PM 1:01  
LEGAL SERVICES CORPORATION

## **DISCUSSION OF FINDINGS and RECOMMENDATIONS**

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

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

**FINDING 1: In 2011, SMRLS conducted a comprehensive assessment to determine the most compelling legal needs of the client community.**

#### **RECOMMENDATIONS:**

*1.1.1 As SMRLS proceeds with developing plans to begin a new comprehensive needs assessment process it should ensure that the assessment includes the needs of the migrant workers and immigrants in their service area as well as input from other stakeholders (local and statewide such as local legal aid providers in the service area, along with the Minnesota Legal Services Coalition and Legal Services Advocacy Project. It should also include empirical data from governmental agencies.*

#### **SMRLS Comments:**

**SMRLS plans to undertake a new comprehensive needs assessment in 2014 which will include the needs of migrant workers and immigrants as well as input from other stakeholders.**

### **Criteria 2 and 3. Setting goals and objectives, developing strategies and allocating resources; Implementation.**

#### **SMRLS Comments:**

**SMRLS is open to considering all types of civil legal problems (consistent with LSC requirements) and develops staff expertise to address these problems. For instance in 2011 SMRLS noticed an increase in clients affected by high heating costs and utility shut offs. SMRLS staff noticed that this issue fell between its benefits work and housing work in an area of consumer law not traditionally addressed by staff attorneys. SMRLS pursued funding and hired two staff attorneys to gain expertise in**

this area and focus on this important developing issue.

**FINDING 2: SMRLS has established program priorities with goals and objectives; and appropriately targets resources to meet those objectives.**

**FINDING 3: SMRLS last adopted a formal strategic plan in 2006, at the culmination of a process initiated in 2001 known as the Futures Strategic Plan.**

**RECOMMENDATIONS:**

*1.2.2.1. SMRLS should compile and review statistical data from the newly merged intake and "hotline" portal within a reasonable time to measure whether resources are being adequately allocated to address the adopted priorities.*

*1.2.3.1\*. In light of recent shifts in revenue, continuing demographic diversity in the low-income community and emergence of new and/or more complex legal needs, SMRLS should conduct a formal strategic planning process to guide all aspects of its work in delivering legal services.*

**SMRLS Comments:**

**P. 7 #4. Correct sentence "Resettlement of immigrants..." to remove Korea and add Somalia and Ethiopia. The sentence should read:**

**"Resettlement of refugees from Somalia, Ethiopia, Burma, Iraq, Eritrea, and Laos were identified."**

**SMRLS plans to undertake a formal strategic planning process in 2014 to guide all aspects of legal service delivery.**

**Criterion 4: Evaluation and Adjustment.**

**Finding 4: SMRLS has engaged in limited activities to examine the quality and effectiveness of its delivery of legal assistance to identify emerging legal needs.**

**SMRLS Comments:**

**SMRLS makes use of other available information to evaluate the effectiveness of legal services. SMRLS postcard feedback model is used to evaluate housing stability and is reported to United Way on a yearly basis. Specifically, SMRLS sends postcards to**

approximately 800 clients to determine if they remained in their current housing situation or were forced to move by analysing the forwarding addresses and the return rate. This helps benefits and housing attorneys assess whether their legal work resulted in less homelessness.

SMRLS, through its firm-wide meetings, discuss and identify emerging trends in the substantive practice areas.

#### **RECOMMENDATIONS:**

*1.4.4.1 SMRLS should consider alternative methods of assessing client satisfaction. The use of college students could provide more substantial feedback on a number of issues: how the client perceived the quality of service received as well as gauging the impact of the service received post closure of the case. If the program continues to utilize the postcards, it should consider using surveys to make the information more useful. To gauge client satisfaction, SMRLS could send written follow-up surveys to a random number of clients that could include information about access, conduct of the advocate, quality of the service and whether the client's objective was obtained. It should also include a longer section for comments.*

*1.4.4.2. SMRLS should engage in more coordinated planning which would include data collection from sources such as from the merged hotline, community partners and input from all staff. SMRLS should evaluate data from its hotline to identify areas of emerging needs such as requests for legal assistance on consumer matters.*

#### **SMRLS comments:**

SMRLS conducts regular comprehensive legal needs assessments to help identify emerging legal needs. For example, as noted by the PQV team, the most recent needs assessment identified consumer needs as an emerging need in addition to bankruptcy and expungement requests.

Further, SMRLS regularly reviews and prepares outcome data to prepare grant reports for funders. In addition, SMRLS leaders prepare quarterly reports with outcome data for the CEO that are shared with the entire program. Annual staff evaluations incorporate open and closed case statistical data.

SMRLS will review its client satisfaction cards to expand the questions and consider sending longer client surveys to a random number of clients. SMRLS will expand its

use of volunteer college students to call clients with closed cases to obtain feedback about SMRLS services.

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

**Criterion 1. Dignity and Sensitivity**

**Intake –**

**Finding 5: SMRLS has a coordinated intake system with the capacity to conduct intake screening and referral for the entire service area.**

**SMRLS Comments:**

**SMRLS has always had a core value of using its resources to actually resolve the most critical legal problems facing our clients. While counsel and advice and limited services are important functions, SMRLS has made a conscious decision to focus its limited resources on extended representation. The purpose of the Hotline is to most efficiently identify eligible clients with cases that fit SMRLS' extended case priorities and refer those cases to the appropriate extended service unit. Providing timely legal advice to clients whose cases do not meet SMRLS' extended service priorities is only a secondary benefit of the system.**

**As noted in the report, the merged Hotline operation was less than 4 months old at the time of the PQV. All of the intake screeners and Hotline attorneys have more than 10 years of experience in interviewing prospective clients, determining the relevant information and entering it into SMRLS' Pika CMS. As a result, initial training was focused on consistent application of SMRLS' Case priorities in order to ensure that appropriate cases are being referred to SMRLS' extended service units.**

**As the system has become more integrated, regular meetings of the intake screeners and Hotline attorneys have been established. Some of the meetings are separated by function (i.e. screeners or attorneys) and some meetings are joint in order to discuss the interaction between the two functions. Quarterly training of Hotline attorney staff conducted by leaders of SMRLS' substantive practice units is planned to begin in April, 2014.**

**SMRLS Cisco phone system has the capability of generating a tremendous amount of**

data regarding the call flows. Because the data is generated by the Call Center system, it does not include data on calls to other parts of SMRLS. Even limiting the data to the Call Center, it is more data than can be usefully absorbed. In this initial year of operation, SMRLS has focused its data analysis on call volumes to intake, the various language queues, and to the Hotline attorney queue in order to determine the appropriate staffing levels needed in order to minimize caller wait time and abandoned calls.

The quality of service being provided to SMRLS' callers is determined by regular review of intakes completed by screeners and review of case referrals and case closings by Hotline attorneys. Every person who "touches" an intake is directed to be part of SMRLS quality assurance process. If errors are found, feedback is provided immediately and directly to the appropriate staff person. If more systemic issues are spotted, the issues are raised with Hotline supervisors to determine the appropriate response and possibly provide additional training to unit staff members.

#### **RECOMMENDATIONS:**

*II.1.5.1 SMRLS should hold regular meetings of all intake and hotline staff where staff at all levels have an opportunity to exchange feedback and input on the system, and to participate in the decisions affecting the future planning of the unit.*

*II.1.5.2.\* SMRLS should prioritize the appointment of a full-time intake and hotline supervisor to elevate the new coordinated unit to its next level by unifying all staff in the intake/hotline unit through regular staff meetings, conducting regular assessments of the data in all its dimensions to assess quality of access, make necessary changes and forecast trends. Best practices for managing coordinated intake and hotline programs may also be found at [www.lsntap.org](http://www.lsntap.org), [www.lri.lsc.gov](http://www.lri.lsc.gov), and [www.legalhotlines.org](http://www.legalhotlines.org).*

*II.1.5.3. SMRLS should adopt a plan of regular training for screeners and hotline attorneys on substantive law and intake protocols, among other areas unique to telephone delivery.*

*II.1.5.4. As resources permit, SMRLS should prioritize implementing online intake to increase access.*

*II.1.5.5. SMRLS should create a comprehensive survey for users of its intake system. It*

*should provide a link to the survey on its website and also as part of its online intake process, when implemented.*

*II.1.5.6. SMRLS should assess the protocols for case acceptance regarding referral of clients seeking a divorce and explore options to expedite notification of assignment for extended representation.*

**Criteria 2 and 3. Engagement with the low-income population; Access and utilization by the low-income population.**

**Outreach -**

**Finding 6: SMRLS engages in outreach to acquaint the client community and other service providers and support groups with the scope of services provided by the firm.**

**Office Staffing & Location -**

**Finding 7: SMRLS promotes accessibility and utilization by the client community within its service area, including diverse and special populations.**

**SMRLS Comments:**

**SMRLS disagrees with the characterization that “the ethnic and racial diversity of staff is achieved predominantly among the non-attorney staff.” SMRLS currently has 54 attorneys on its staff, with 3 of those in Administration. SMRLS has nine minority attorneys, two of whom are in Administration. As a result, 13.7% of SMRLS’ non-administration attorneys and 16.7% of all attorneys are members of ethnic or racial minorities.**

**Limited English Proficiency -**

**Finding 8: SMRLS appears to effectively accommodate clients with limited English proficiency.**

**RECOMMENDATIONS:**

***II.3.8.1. SMRLS should provide training for all staff on inter-generational dynamics in the workforce; and, develop a mechanism to address related concerns raised by staff.***

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

**Criterion 1. Legal representation**

**Finding 9: SMRLS provides effective legal assistance to clients through its qualified advocates and support staff and by maintaining systems in place to manage their work.**

**SMRLS Comments:**

**The third and fourth paragraphs under Finding 9 of the Draft Program Quality Visit Report (bottom of page 16) should be rewritten to more accurately reflect the legal work management and supervision at SMRLS.**

**First, SMRLS does have a specific litigation coordinator. Michael Hagedorn is the SMRLS Litigation Coordinator.**

**Second, the basic management and supervision of SMRLS' legal work is organized around three geographic regions (Metro, Southeast and Southwest) and Refugee, Immigrant, and Migrant Services (RIMS). Each is led by a Senior Leadership Attorney. A Senior Leadership Attorney is also in charge of the Housing Unit in the Metro Region because of its size, complexity due to its varied special funding streams, and the fact that some of its specialized work is firm wide, such as the Housing Equality Law Project.**

**Within each SMRLS region are specialized case handling units, which vary in size and configuration due to local circumstances and the availability of special targeted funding. For example, there is a combined Housing & Benefits Unit in the Southwest Region while the Metro Region has separate Housing and Benefits units.**

**Each case handling unit within a region is led by a Lead Attorney (except for the Metro Housing Unit). Special projects and divisions of the Metro Housing Unit are generally led by a Supervising Attorney. Projects that do not involve significant supervisory responsibilities are led by Senior Attorneys. (Senior Attorneys can also be very experienced lawyers who have taken on extra responsibilities to obtain the promotion and additional pay).**

Operating in coordination with the regional system of legal work management and supervision are the SMRLS' practice groups. The leaders of the Family units, the Housing units, and the RIMS unit plan regular firm-wide meetings of SMRLS staff in their respective areas, for the purposes indicated in the Draft Report.

Third, the outstate offices are not in the regions as indicated in the Draft Report. The Southeast Region consists of the Albert Lea, Rochester and Winona offices. The Southwest Region includes the Mankato and Worthington offices.

#### **RECOMMENDATIONS:**

*III.1.9.1. All practice groups should incorporate training protocols that clearly develop advocacy staff at various stages of their professional growth and development.*

#### **SMRLS Comments:**

The SMRLS General Practice Standards and its various substantive practice standards set forth expectations based, in part, upon years of practice. Staff are trained on the practice standards at regional and unit meetings. SMRLS General Practice Standard 6.2 provides that advocates develop an individual annual work plan "with and approved by" the supervisor. General Practice Standard 6.3 provides for individual performance evaluations. General Practice Standard 6.4.a provides that during regular case reviews with supervisees, supervisors are to identify areas of legal practice in which "training, assistance and support are appropriate".

SMRLS will explore amending its General Practice Standards to address professional growth and development in annual work plans and evaluations. SMRLS will explore through its practice groups amending its substantive practice standards to incorporate training protocols for developing individual advocate legal skills and knowledge.

*III.1.9.2. SMRLS should develop an office-wide tickler system, provide training and incorporate a mechanism to check compliance.*

#### **SMRLS Comments:**

SMRLS General Practice Standard 5.2 provides that advocates utilize one of two tickler systems - PIKA or the SMRLS calendar program (note: Encompass was replaced by Google calendaring). The tickler system selected must be approved by

the supervisor. Standard 5.1.d also requires advocates to record all deadlines in the Deadlines field on the Case Info page in the PIKA for each case. PIKA is accessible to supervisors. Training is provided locally within units and regions.

SMRLS will explore mandating the use of only one tickler system and incorporating standards for staff training on the use of the tickler system and for checking compliance into its General Practice Standards.

*III.1.9.3. SMRLS should develop a Case/File Review Protocol that requires periodic, actual review by a supervising attorney of the attorney (case handler)'s open files for more than compliance requirements. The frequency and number of files reviewed should be dependent upon the attorneys'/level of experience and should include discussion of the status and strategy of each the case. The files should be reviewed for quality and adequacy of documentation.*

**SMRLS Comments:**

SMRLS General Practice Standard 6.4 requires supervisors to conduct “regular” case reviews with advocates. This Standard requires far more than a review of open files for compliance requirements. It specifically requires the supervisor to “(e)valuate the quality of the representation...” (Section 6.4.a), “(e)valuate whether the pertinent issues have been identified and appropriate comprehensive remedies have been explored” (Section 6.4.b), “(e)valuate whether the tasks of representation are being handled in a timely and responsive manner” (Section 6.4.c), and “(e)valuate whether the advocate is appropriately involving the client...and whether the client is kept reasonably informed...” (Section 6.4.d).

SMRLS will review its Practice Standards to see if they adequately address this issue and will review this with supervisors to assure that the Standards are being followed.

**Quality and quantity of legal work –**

**Finding 10: SMRLS generates a substantial volume of high quality legal work that produces favorable outcomes for clients.**

**SMRLS comments:**

**Final sentence of section should be re-organized to read:**

“Since 2007, attorney staff decreased 23% due to funding cuts but the number of closed cases only declined 17% during this period.”

**Finding 11: SMRLS has increased its capacity to provide limited services to clients as a result of the expansion of its intake system and community outreach activities.**

### **Migrant Farmworker Legal Services**

**Finding 12: SMRLS’ migrant component is appropriately structured to serve the migrant farmworker populations in Minnesota and North Dakota, although the scope of legal work it performs does not address legal issues typically handled on behalf of migrant farmworker clients.**

#### **RECOMMENDATIONS:**

***III.1.12.1.\* SMRLS should endeavor to recruit a highly experienced migrant farmworker attorney with the competencies necessary to lead its migrant farmworker practice.***

***III.1.12.2.\* The Migrant Unit should reassess the focus of its legal practice and consider whether it is appropriate to reduce the amount of immigration work in order to increase its work on cases involving core farmworker issues.***

#### SMRLS Comments:

Page 20, Paragraph 1 (under migrant), 2<sup>nd</sup> to last line: **Moorhead** (instead of Moorehead)

Page 21, Paragraph 1: The migrant staff attorney in Minnesota with primary responsibility for serving migrants is a **2008** law graduate (not 2010). He is bilingual in Spanish.

#### SMRLS Additions:

Page 20, Paragraph 1: SMRLS relocated its Fargo, ND office to Moorhead, MN as of March 3, 2014. The office is co-located with Legal Services of Northwest Minnesota, an LSC grantee.

Page 21, Paragraph 1: A new migrant staff attorney was hired for the Moorhead, MN

office. She is a 2008 law graduate and started her work with SMRLS on February 3, 2014. She is Latina, bilingual in Spanish, and a former farmworker.

SMRLS Comments:

The agricultural economies of Minnesota and North Dakota have undergone significant changes over the past ten years and the need for hand labor has decreased for a variety of reasons. As noted in the PQV report, fewer workers are needed to weed the sugar beet fields because of the widespread use of genetically modified Roundup Ready sugar beet seeds. Further, because of space planting technology, workers no longer thin sugar beet fields. Weather, alternative sources of employment, increased immigration enforcement, also help explain the decline in migrant farmworkers in the region.

While there are fewer farmworkers in the region, SMRLS migrant staff stand ready to assist with a wide variety of civil legal cases for farmworkers including employment cases, public benefits, housing, in addition to immigration. Outreach materials cover this wide range of case types and brochures and flyers describing services also include an extensive list of the types of cases handled by SMRLS.

In recent years, the number of immigration cases has increased due to client demand for immigration legal services. The goal of many immigration cases is to preserve employment eligibility by obtaining new lawful permanent resident cards to replace lost, stolen, or expired cards. SMRLS also assists in reuniting families through filing family visa petitions for spouses and minor children of farm workers who still reside in Mexico and helps stabilize immigration status for migrant farmworker victims of domestic violence and violent crimes.

SMRLS migrant staff will take additional steps to address employment issues for farmworkers. To help address migrant employment concerns, the St. Paul migrant attorney reconvened the Minnesota Farm Labor Coordinating Committee, a group that has not met since about 2006. The committee includes representatives from the Minnesota Department of Labor and Industry, the Department of Labor, Equal Employment Opportunity Council, the Department of Agriculture, and the state monitor advocate. The committee met on December 10, 2013 and agreed to meet quarterly to address labor enforcement issues concerning migrant farmworkers.

The PQV highlights the need for services to H2A workers. Approximately 500-600 H2A positions are certified in Minnesota each year for a wide variety of agricultural positions.

While this is a smaller number of certified positions compared to the top 10 states for H2A workers in the U.S. that range from approximately 3,000 to 12,000 H2A certified positions, SMRLS migrant staff will regularly review H2A clearance orders which are available on-line and use this information in planning outreach.

The summer outreach advocates rotate among the summer field offices as indicated in the PQV report. The advocates spend one day each week, typically on Fridays, in the main offices in Moorhead, MN and St. Paul, MN meeting with their supervising attorney, reviewing cases, and updating outreach plans.

SMRLS conducted a comprehensive, formal needs assessment of the legal needs of migrant farmworkers in 2006. SMRLS hired Hispanic Advocacy and Community Empowerment through Research (HACER) at the University of Minnesota to conduct surveys of migrant farmworkers and focus groups regarding their legal services needs and their awareness of free legal services. They received 110 completed surveys. The survey respondents identified the following areas of need: immigration 53.6 %; housing, property or credit; 43.6 %; employment 33.6 %; family and individual rights, 29.1%; and education, 11.8%. The needs assessment also indicated that almost 40% of respondents did not know where to get free legal services.

As a result of this needs assessment, SMRLS expanded its outreach efforts to increase its visibility to migrant farm workers especially in light of new workers coming to the region for the first time. SMRLS organized networking meetings with other migrant agencies in its service area, created additional marketing tools (i.e. pens and calendars) to publicize its toll free telephone numbers, and more closely coordinated outreach with other migrant agencies.

Migrant farmworkers were mailed surveys during SMRLS' 2011 legal needs assessment. In addition, agencies serving migrant farmworkers were e-mailed a link to the key informant on-line survey. However, the results of this legal needs assessment included all respondents in the aggregate. The migrant farmworker responses were not tabulated separately. As noted elsewhere in this report, SMRLS plans to undertake a new legal needs assessment in 2014 that will include the legal needs migrant farmworkers.

The PQV request for documents reflecting employment advocacy by SMRLS, was made on site and the response was provided the same day. The response was a "sample" of employment-related advocacy on behalf of migrant farmworkers and did not include every demand letter or complaint in employment cases. While SMRLS staff are familiar with AWPA and FLSA, the main federal laws protecting migrant and seasonal

farmworkers, many farms in Minnesota are small and exempt from AWPA and FLSA. In 2012, according to the Census of Agriculture, the average size of a farm in Minnesota was 349 acres. Many of the sugar beet farms (the primary crop in the region requiring hand labor) are not covered by AWPA or FLSA. As a result, SMRLS does not handle as many AWPA or FLSA cases as other states with larger farming operations.

SMRLS remains committed to providing high quality legal services to eligible migrant farmworkers. SMRLS has dedicated, bilingual staff from farmworker backgrounds conducting outreach and handling migrant farm worker cases. The senior leadership attorney who oversees the RIMS unit is highly experienced in migrant legal services delivery. She started at SMRLS as a migrant outreach paralegal for 3 summers (1991-1993) before attending law school. She returned to SMRLS as a migrant staff attorney after law school in 1996 and handled a migrant case load for ten years. During this time she litigated AWPA claims, negotiated wage claims, and co-counseled a pesticide exposure case with private counsel. She has managed the combined migrant and immigration unit known as RIMS since 2004. With the efforts of very capable staff, SMRLS will continue to reach out to migrant farm workers and ensure that a full range of civil legal services—from employment to housing to public benefits to immigration--are available to migrant farmworker clients.

## **Criterion 2. Private attorney involvement**

**Finding 13: SMRLS has adopted and implemented a plan for delivery of legal services through private attorney involvement that engages high quality volunteer lawyers from diverse backgrounds with experience and expertise in a variety of substantive legal areas.**

### **RECOMMENDATIONS:**

***III.2.13.1.\* SMRLS should consider the unification of its VAP programs under the management of a firm-wide supervisor to improve the consistency of operations throughout the service area.***

***III.2.13.2. SMRLS should consider new strategies to use Metro volunteer attorneys to deliver legal services to clients from Outstate areas.***

**SMRLS Comments:** As noted in the OPP panel's draft report, SMRLS was in the process of

replacing its recently retired, longtime volunteer attorney coordinator for the St. Paul area with a new, full time person at the time of the panel's visit. The new SMRLS' metropolitan area volunteer attorney coordinator took over volunteer coordination responsibilities shortly after the OPP panel visit. The new coordinator is an attorney with many years of corporate counsel experience, including 10 years of volunteer attorney work with SMRLS.

As also noted in the panel's draft report, the SMRLS Board of Directors, at its meeting in July of 2013, had established a plan to create a staff/board task force to undertake a comprehensive evaluation of SMRLS' volunteer attorney program. The task force consisted of the Board President, two other Board members who are also volunteer attorneys, SMRLS' CEO, SMRLS' COO, the two Senior Leadership Attorneys who oversee SMRLS' volunteer attorney work, and the program's three volunteer attorney coordinators.

During the course of six meetings over three months, the Task Force created and adopted a program-wide Vision Statement and set of Guiding Principles, along with a collection of strategies designed to increase recruitment of attorneys from the St. Paul office's area, expand utilization of attorneys from SMRLS' five-county metropolitan area throughout the 33 county service area, continue the current SMRLS-wide volunteer programs, and continue to realistically recognize that volunteer interests and client needs can at times call for regional or local projects in order to best meet regional or local needs. The Vision Statement and Guiding Principles are attached.

**SMRLS Comments: 2nd paragraph page 24: The perceived disparity between Metro and Outstate referral practice may be somewhat of a misunderstanding. Cases from the firm wide Intake Hotline are referred directly from the Hotline to the coordinators both Outstate and Metro. They are not screened by a case handling unit Lead Attorney outstate. In both Metro and Outstate, case handling unit leaders can redirect staff priority cases to VAP if the unit does not have the capacity to handle the case or the case is better handled by a private attorney with special expertise, location, etc. Also, unit leaders will redirect a case to VAP that appears to be a VAP priority rather than a staff priority case upon closer examination/investigation. Traditionally, unit leaders have made greater use of VAP for staff priority cases, particularly where a volunteer attorney is located in a geographically remote county. We believe the confusion described by VAP staff with the referral process has been due primarily to the transition in moving from separate Metro and Outstate hotlines to a single, firm wide Intake Hotline last year.**

**SMRLS CORRECTION: 3rd paragraph page 24 and top line of page 25: "Briggs & Young" should be "Briggs & Morgan".**

**SMRLS CORRECTION: 3rd paragraph page 24: "Consortium" should be State Support.**

**Criteria 3 and 4. Other services and program activities to and on behalf of the eligible client population.**

**Finding 14. SMRLS sponsors a variety of community legal education events, along with providing pro se and other self-help assistance to clients.**

**SMRLS COMMENT: SMRLS Metro Senior Legal Fair, now in its 6th year, is but one of the program's fairs on behalf of seniors. SMRLS also conducts such fairs in its southeast region service area (Rochester) and its southwest region service area (Owatonna). These fairs are attended by approximately 100 seniors each.**

**SMRLS COMMENT: Pg. 26, the reference to William Mitchell and "Hammond" law schools should be corrected to read, (William Mitchell College of Law and Hamline University School of Law)**

**Finding 15. SMRLS is active in state and local bar activities, and keeps track of openings on important and influential committees and commissions to ensure that any appointments reflect the racial make-up of the community.**

**SMRLS COMMENT: For clarification, the last sentence of the first paragraph should read, " SMRLS Chief Executive Officer is currently a member of the MSBA Council, which meets monthly with the current MSBA president and other officers."**

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

**Criterion 1. Board governance**

**Finding 16. SMRLS' board of directors is highly respected and retains committed, informed and motivated members, although there have been challenges to retention of client eligible members.**

**Finding 17. SMRLS' board of directors promotes its commitment to the mission of the program through effective governance and exercises its fiduciary responsibility to the firm, including financial oversight through appropriate activities.**

**RECOMMENDATIONS**

***IV.1.16.1.\* SMRLS board of directors should guide its staff in the development of a***

*leadership succession plan that encompasses all aspects of firm leadership including board, executive, senior and middle managers. Leadership succession planning should include detailed strategies for professional and leadership capacity development for existing and future staff at all levels.*

**SMRLS Comment:** Leadership succession planning is an agenda item for the board's upcoming retreat this spring. This item as well as a discussion about a strategic planning process, are key items on that agenda.

*IV.1.16.2.\* SMRLS should continue its efforts to recruit and retain client eligible members to fill any current vacancy.*

**SMRLS Comment:** As LSC notes, this is an ongoing challenge. SMRLS will continue to devote resources to this effort and will seek technical assistance from other programs/sources as appropriate.

*IV.1.17.1. SMRLS should engage in formal financial management training for all members of the board of directors; and, consider appointing a board member with finance and/or accounting and/or auditing experience sufficient to qualify as a financial expert.*

**SMRLS Comment:** This is also an agenda item for the board's upcoming retreat. For approximately one year, SMRLS board had a CPA (formerly employed by the State of Minnesota) as a non-voting member of its Audit/Finance Committee. This resource provided excellent insights to that committee. Efforts will be made to recruit another person with finance and/or accounting or auditing experience to serve in this capacity.

*IV.1.17.2. The board of directors should develop an evaluation protocol that allows the board to collect data and information in the performance assessment of the CEO to insure that the board is personally knowledgeable of the duties, skills and recent achievements of the CEO for assessment purposes. Any assessment should include reaching out to community partners, donors, the bar, staff and funders. A final assessment should identify strengths and any areas needing improvement, if appropriate, and establish clear future expectations by the Board for the CEO as to goals and objectives to accomplish.*

**SMRLS Comment:** SMRLS board will take this recommendation under advisement as part of its plan to revise the evaluation instrument that it has used to evaluate the

CEO's performance these past 6 years.

### Criterion 2. Leadership

**Finding 18. The leadership of SMRLS strives to accomplish the mission of the firm, pursuing standards of excellence, innovation and cohesiveness.**

#### **SMRLS Comments:**

SMRLS has 54 attorneys and almost 100 total employees, 9 offices, 35 grant sources, dozens of community partners, and very active, engaged local, district and state bar associations to serve a service area covering 19,200 square miles. No one person can be, or should be expected to be able to personally oversee all aspects of its work. SMRLS has adopted a leadership structure to leverage the work of its CEO in order to manage the firm.

From 2008 through 2012, SMRLS lost 23% of its attorney staff. Since the beginning of 2012, SMRLS has hired 13 high-quality, highly motivated attorneys. SMRLS' CEO has actively managed this process and avoided layoffs during the funding reductions.

SMRLS disagrees with the characterization that "it appears that she has delegated some responsibility for key projects to other top management officials without sufficient accountability to ensure that she is fully aware of how well implementation is progressing." SMRLS' CEO meets regularly with key leadership staff in order to stay fully engaged in the work of the firm.

Due to a number of factors, not the least of which has been the financial challenges facing SMRLS, SMRLS' CEO has not had the opportunity to visit as many offices in the past 18 months as she had hoped, but both the CEO and the COO have visited regional meetings in all parts of SMRLS in 2011 and 2012.

**Finding 19. SMRLS has adopted a *Racial Justice Policy* that guides its work.**

#### **SMRLS Comments:**

SMRLS has marketed its Racial Justice Policy by printing posters which hang in the

lobby in each of its offices. The vivid posters feature SMRLS' racial justice statement; this statement is translated into Hmong, Somali, and Spanish. This statement serves as SMRLS Racial Justice Vision.

#### **RECOMMENDATIONS:**

*IV.2.18.1. SMRLS should initiate the dialogue and training with staff regarding leadership qualities and how they can be employed in undertaking work assignments and specific advocacy at SMRLS.*

#### **Criterion 3. Overall management and administration**

**Finding 20: Over the years, in an effort to administer and manage the resources and operations of the firm, SMRLS has modified its management structure, but further assessment and restructuring may be warranted.**

#### **SMRLS Comment:**

**There is some apparent confusion with some individuals regarding leadership roles and SMRLS will undertake some firm wide communications to clear up any confusion. However, the structure is not overly complicated. Senior Leadership Attorneys oversee the operations of the firm for a geographic region or a firm-wide substantive area. Lead attorneys oversee the operations of a regional substantive unit. Supervising attorneys oversee the operations of a portion or project of a regional substantive unit. Because of limited resources, some Senior Leadership Attorneys perform more than one role (i.e. Steve Wolfe - Senior Leadership Attorney for the East Metro Region and Lead Attorney for the Metro Seniors Unit). The Senior Leadership Team is made up of the Senior Leadership Attorneys, plus the CEO, COO, Controller, Development Director and Technology Manager.**

**SMRLS leaders are tasked with implementing policies within their area of responsibility. Leaders need to solicit information regarding ideas and experiences of frontline staff members and provide that input to senior leaders who develop policies and make recommendations to SMRLS' Board of Directors. In addition, all SMRLS staff members know how to reach the CEO or COO if they have a concern or idea that they do not believe has been adequately communicated as they are readily available by IM, email or telephone.**

**Unfortunately, the interview chart went through several revisions shortly before the**

PQV team arrived. The chart did not accurately depict position titles for several staff members, but that chart was never designed to be used to determine position titles. SMRLS apologizes for any confusion caused by the inaccurate interview chart.

#### **RECOMMENDATIONS:**

*IV.3.20.1. \* As soon as resources permit, SMRLS should employ a management consultant to evaluate the current structure and recommend alternatives;*

*IV.3.20.2. SMRLS should develop and initiate a process that allows staff input on major, fundamental program changes and initiatives;*

*IV.3.20.3. SMRLS should create professional development plans for all managers and supervisors.*

#### **Technology**

**Finding 21. SMRLS has made a concerted effort to update its technology to maintain its infrastructure.**

#### **SMRLS Comment:**

In addition to the training outlined in the draft report, SMRLS has also required all staff to participate in Basic Microsoft Word and Excel training conducted by an outside vendor. SMRLS has also offered more advanced Word and Excel training for those staff members who desire additional training. Along with Google (Email, calendar, documents) and Pika, these are the most common applications used by SMRLS staff members.

**SMRLS' Technology Manager attended the 2014 TIG Conference, in part thanks to a generous LSC scholarship!**

*\*\*A plan for implementing firm wide video conferencing using "Google Chromebox for Meetings" video conferencing system has been developed.*

*\*\*Work on SMRLS' website upgrade has begun. Beginning in late-March 2014, ProBono*

*Net will be providing SMRLS with a set of upgraded templates. The testing templates will be available for content posting and site work.*

**RECOMMENDATIONS:**

*IV.3.21.1. SMRLS is encouraged to include technology training in a more formal way and survey the technology training needs and abilities of staff. Further, technology training needs should be identified based on an assessment of the individual's job requirements and technical expertise.*

*IV.3.21.2. SMRLS should consider sending its IT manager to the LSC TIG conference to enhance her network and knowledge of legal services technology and innovations.*

*IV.3.21.3. To the extent resources are available, SMRLS should consider implementing video conferencing for the benefits of unifying staff and conducting meetings and trainings.*

*IV.3.21.4. The planned website upgrade should be prioritized to occur as soon as practicable.*

**Criterion 4. Financial administration.**

**Finding 22: SMRLS has an experienced financial team that manages the financial resources of the firm effectively.**

**SMRLS Comment:**

**SMRLS is currently in the process of changing its fiscal year end from March 31 to December 31. As part of this transition, SMRLS Board is reviewing and adopting a budget for 2014 and 2015. A grant schedule has also been created to provide a clearer view of grant expectations for a two year period.**

**SMRLS has continued to move ahead with implementation of a new cloud-based accounting system to go on line starting April 1, 2014. This has provided an opportunity to simplify our chart of accounts and will reduce the need for multiple entries.**

**SMRLS disagrees with the characterization that "SMRLS has a four (4) month**

unrestricted reserve.” SMRLS has consistently maintained a six (6) to seven (7) month unrestricted reserve. The only significant restricted reserve on SMRLS books is a temporary restriction on LSC funds which is released through the year. As SMRLS changes its fiscal year to a calendar year, this restriction will no longer appear as part of its annual audit.

#### **RECOMMENDATIONS:**

*IV.4.22.1. SMRLS should provide opportunities for the Controller to attend LSC-specific trainings and to network with other fiscal officers from LSC-funded organizations, who can provide advice and consultation.*

*IV.4.22.2. SMRLS should consider including two year budget projections beyond the upcoming fiscal year. While speculative, it will give leadership and idea of which grants are expiring, and help plan for resource development.*

*IV.4.22.3. As soon as resources permit, SMRLS should update the firm’s accounting software, and continue efforts to streamline accounts and procedures.*

*IV.4.22.4. SMRLS should consider increasing the unrestricted operating reserves.*

#### **Criterion 5. Human resources administration.**

**Finding 23:** There is no indication that the firm has failed to comply with applicable laws; however, SMRLS has delegated the responsibilities for human resource management among several staff within the firm, which is inefficient for a firm of its size.

#### **SMRLS Comment:**

SMRLS is constantly evaluating the balance between administrative and program staff. With the implementation of its new accounting software, SMRLS intends to use the staff time saved by the greater efficiency provided by the new system to oversee more of the administrative HR functions of the firm. In addition to the internal resources available to SMRLS, SMRLS has been fortunate to have substantial *pro bono* resources available to assist with many HR functions. SMRLS has several substantive experts it can quickly call upon to assist with HR needs, which has greatly leveraged SMRLS’ staff resources.

## **RECOMMENDATIONS:**

***IV.5.23.1\* As resources permit, SMRLS should hire a dedicated Human Resources administrator to oversee the recruitment, hiring, evaluation, grievance, disciplinary, benefits, and skills development process.***

***IV.5.23.2. If legally permissible, SMRLS should consider revising its "day of pay" policy by "holding back" one week's pay to prevent future re-adjustments and unnecessary work.***

## **Criterion 6. Internal Communication**

**Finding 24: SMRLS has methods in place for regular internal communication, yet some staff feels that the systems are not adequate.**

### **SMRLS Comment:**

**Please see response to Finding 18 above. SMRLS' CEO, in consultation with SMRLS' Board of Directors, has had to balance all of the potential activities in which a firm CEO could engage with the time available. As a result of the funding difficulties in the past few years, those priorities have been focused more on external activities and visits to other SMRLS offices have only been every other year, rather than every year as intended. The characterization that "the CEO and COO had not visited the field office in years" is simply inaccurate. Either the CEO or COO has attended regional meetings with all SMRLS staff members in the past two years.**

**SMRLS is looking at technological solutions to provide more "face-to-face" interactions with SMRLS' CEO while avoiding a large increase in unproductive travel time.**

## **RECOMMENDATIONS:**

***IV.6.24.1. Notwithstanding the extensive responsibilities already undertaken by the CEO, she should incorporate personal visits to the field offices into her workplan, to improve communication within the firm; and, to foster the concept of "one firm."***

***IV.6.24.2. When resources permit, SMRLS should consider the use of video-conferencing or other telecommunication tools to facilitate communication among staff.***

***IV.6.24.3. SMRLS must identify and consider appropriate vehicles to effectively communicate to staff the strategies being implemented to achieve its goals and objectives.***

**Criterion 7. General resource development and maintenance.**

**Finding 25: SMRLS has successfully engaged in significant resource development activities that generate revenue for the firm to achieve its mission and promote good-will and stature within the legal and corporate communities.**

**SMRLS Comments:**

**Paragraph 4 incorrectly states that SMRLS has received an endowment from local businesses such as UCare. UCare is a major funder of SMRLS Seniors Initiative which provides for community education outreach to low income seniors as well as provides funding for SMRLS Senior Legal Fair.**

**Paragraph 5 references the lack of a formal resource development plan within the development office. The development office has developed a comprehensive operations manual which guides SMRLS development resource work from year to year. The Campaign for Legal Aid (CLA) meets at the beginning of each year to determine the fundraising goal for the year as well as set goals for each of SMRLS fundraising events. Throughout the year, the CLA committee meets once each quarter to check-in as it relates to each of the goals. In addition, there is frequent interaction with the members of the Campaign Leadership Committee, on an individual basis, with the development staff.**

**Paragraph 6 incorrectly refers to the development director as a “communications manager” and pro bono coordinator. In the development director’s role in raising funds for SMRLS she will at times encounter individuals within the private bar that would like to connect with SMRLS via pro bono. Although the development director provides an overview of opportunities for the potential volunteer attorney she does not place cases with the private bar; she connects them with the appropriate SMRLS volunteer attorney coordinator.**

**RECOMMENDATIONS:**

***IV.7.25.1. SMRLS’ board of directors should consider establishing a resource development committee.***

**SMRLS Comments:**

**SMRLS Campaign for Legal Aid serves as the resource development committee for the Board. The Director of Development is the liaison between the Board of Directors and the Campaign for Legal Aid.**

**Criterion 8 and 9. Coherent and comprehensive delivery structure; and participation in an integrated delivery system.**