



ADMINISTRATIVE OFFICE

LEGAL SERVICES OF EASTERN MICHIGAN

436 S. SAGINAW STREET • FLINT, MICHIGAN 48502

TELEPHONE (810) 234-2621 • (800) 339-9513

FAX (810) 234-9039

December 2, 2010

Ms. Cynthia Schneider, Deputy Director

Legal Services Corporation

3333 K Street, NW 3rd Floor

Washington, DC 20007

Dear Ms. Schneider:

Thank you for the opportunity to comment on your draft quality report. While you have requested that we comment on "factual inaccuracies", we have taken the liberty of commenting on the opinions expressed in the report as well as the factual items. We will proceed in order of the items in the report, and will leave comments on the summary until such time as they are discussed in the report.

With regard to the comprehensive assessment of legal needs (p6) the program has contracted with two PhD's from the University of Michigan to undertake such a study. That study is scheduled to be completed by September of 2011.

The report suggests that the strategic plan is inadequate. (p7) The Executive Director of LSEM was on a committee of the Genesee Bar Association in order to conduct a strategic plan for the Bar. After a review of the literature, The Bar determined that the traditional strategic plan resulted in a document that sat on a shelf and was unable to respond to evolving needs and opportunities. The bar undertook a new type of strategic plan that accounted for how opportunities would be determined and assessed.

LSEM has adopted this new type of strategic plan. For example, would a five year strategic plan have predicted the mortgage foreclosure crisis? LSEM was able to respond and adapt, obtaining two grants to address the problem. While the LSC team may believe in one type of strategic plan, other types do exist. LSEM's Board will review the merits of the alternative types of strategic plans, and determine which best responds to the needs of the community.

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148 E. MAIN STREET, SUITE 207
MIDLAND, MICHIGAN 48640

PORT HURON OFFICE
511 FORT STREET, SUITE 540
PORT HURON, MICHIGAN 48060

SAGINAW OFFICE
320 S. WASHINGTON AVENUE, THIRD FLOOR
SAGINAW, MICHIGAN 48607



The report suggests that systems for evaluation are not “used as well as it could be”. (p8) This statement is true of all systems. The suggestion that the “evaluation processes are not thoughtfully evaluated” is not helpful in understanding what improvements you are suggesting. LSEM awaits further specific suggestions regarding this area.

The report suggests that there is a lack of confidentiality in the Flint, Saginaw and Port Huron offices. (p9) Over 90% of all clients report their information by telephone. Both telephone intake and appointments are made by telephone. While people may hear the receptionist asking questions, they do not hear the answers. Clients who are walk-ins are given written copies of the intake form to fill out. The Port Huron office has an interview room adjacent to the reception area for use in interviewing clients. While the team was in the office, they occupied that office and it was unavailable. The Saginaw office has a waiting area, separated from the office receptionist by a glass sliding window. If multiple clients are in the area, they are brought in to the receptionist with and interviewed without access to other clients. Clients who have appointments are given a copy of their intake to review. This assures confidentiality.

The report suggests that bathrooms be totally accessible to clients. (p9) All offices have bathrooms that are handicapped accessible and meet ADA requirements. It does appear that some team members were upset that use of the bathrooms requires a key, as the restrooms are locked. In two offices, this is required by the landlord. Keys are given to clients upon request. In Flint, the restrooms are locked as they are used by multiple agencies in the building. If left open, the last tenant to leave the building would be required to search all bathrooms to assure that people were not secreting themselves there. This could not be enforced. Keys are made available to all clients.

The team suggests that there is little evidence of outreach to persons with limited English, and suggests that priority be given to bilingual staff. (p 10). The report suggests that there is a “growing Latino population”. While the Latino population is growing, that is not due to an influx of people. Birthrates are higher in the Latino community. There is a net loss of people throughout the service area, including Latino households. While Spanish is the most common non-English language, it is very uncommon. In criminal cases, Courts are required to provide interpreters. No Court has provided more than 5 per year. In the majority of Courts, there are no interpreters used in a year. It should also be noted that two attorneys (Ells and Coulter, speak Spanish, as does our newest attorney, Ms Gomez.)

The Executive Director has in the past been a member of the Board of the Spanish Speaking Information Center. That organization provided interpreters for social agencies and the Courts. It has been defunded and no longer exists, as there was no need established. Our interview office in Bay City was located in a Raza’s building, until it closed. This does not indicate a lack of outreach, rather a lack of need.

A review of all resumes received in the last year, indicated only one attorney who spoke Spanish. She was hired and is on staff.

The report suggests that the Flint receptionist had “competing tasks” and impacts morale. (p 11) It is true that the Flint receptionist considers herself to be overworked. It is also true that the Saginaw receptionist handles the same duties, an equivalent number of clients, and does not consider herself to be overworked.

The report suggests that LSEM designate a discrete intake team. (p12) A number of programs use such a model and many programs do not follow that model. LSEM, in the past, used such a model. It was discontinued as too many issues were missed. The program determined that the use of specialization resulted in better client services.

The team suggests that supervisors should be housed in each office. (p 14) While LSEM agrees that this would be preferable, the current arrangement was implemented as a method of cost savings. Given the current composition of staff, transferring current staff attorneys to supervisory roles would not be in the best interest of the program.

The report suggests that LSEM does not provide pro bono recognition. (p 14-15) This is incorrect. Each year, two attorneys are awarded the “Pro Bono Attorney of the Year” award. They receive a desk clock. Gold certificate awards are given out each year. While it is true that these are given in partnership with the local bar, this is simply a means of working with the bar associations. The program gives thank you items to all participating attorneys (coffee mugs, pens, portfolios, carry bags, etc.)

The report indicates that Board minutes are “cursory”. (p 16) Roberts Rules of Order suggests that minutes reflect the motion made and the action taken. Many organizations have adopted “action by consent” where there is no discussion unless requested and actions are passed as item numbers by consent. Many attorneys suggest that corporate minutes be cursory, in order to avoid future litigation. While the team may prefer a separate system, it is a matter of opinion.

The report suggests that the review of LSEM’s Executive Director is insufficient and that a yearly performance review be undertaken. (p 17) While this reflects one management approach, there are others to consider. Many persons argue that performance reviews are harmful to the organization. (see “Samuel Culbert, author of *Get Rid Of The Performance Review!*.) Similarly, Allan Polak, president of ALP Consulting Resources states “It’s much more often a nightmare than anything that’s valuable.” However, the Board will review its practices and determine the method by which they want to proceed.

The report suggests that “management and board” failed to comply with LSC requirements (p 18) The item referred to was a settlement of \$5000 in a Fair Housing case. The report suggests that LSEM violated LSC requirements because it was not reported as a “professional disciplinary complaint, criminal conviction, or malpractice suit” In LSEM’s opinion, none of these listed items apply to the settlement. The report suggests that this was for defamation. LSEM disagrees that the settlement found any defamation. The report also states that LSEM did not report the item as a “force majeure that has a substantial impact on its delivery of services”. In LSEM’s opinion, a \$5000 settlement for a program with a \$2,888,000 budget does not equate to

a "force majeure". It had no effect on services at all. The settlement was paid for out of Fair Housing funds and not LSC funds.

The report also suggests that LSEM failed to take action to fill Board vacancies. (p 19) This is incorrect. The Board and management have made extensive efforts to get bar associations to appoint board members. One Board member volunteered to assist in getting a volunteer. Those efforts are not always successful. For example, after months of letters and phone calls, the President of the Sanilac Bar association appointed herself to the Board. The individual attended one meeting and never again attended a meeting. She resigned and has not made another appointment.

The report is critical of the Executive Director's involvement in case acceptance and other case activity. (p 20) This opinion is not shared by any of the managers or the majority of staff.

The report suggests that there is "adversarial tension" between labor and management. (p 22) LSEM has two unions. The union consisting of the secretaries and paralegals negotiated a contract in two one hour meetings. There has not been a union grievance in well over three years. The attorneys last negotiated a contract in 2003. There has not been a grievance within that union in over ten years. For over ten years, the attorney union had no officers. While the attorneys did finally request to negotiate a new contract, and were in the process of doing so during the team visit, the record and history hardly points to a negative adversarial relationship.

Finally, the report suggests that there is no evidence of collaboration with CCJ. (p 23). This conflicts with the findings on page 19 which praise that collaboration. LSEM advocates are in touch with CCJ on a weekly basis. The report also suggests that there is little collaboration with Lakeshore Legal Services. There is a written working agreement between Lakeshore and LSEM under which all disability cases, housing and landlord tenant case are to be referred to LSEM. Fewer than 75 are made each year. The Flint office, which has the largest poverty population, received only 12 referrals. While LSEM has attempted to collaborate, we cannot force such collaboration.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward J. Hoort", written in a cursive style.

EDWARD J. HOORT

Executive Director