

Law Office of
Legal Aid Service of Northeastern Minnesota

A law firm serving Aitkin, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Koochiching, Lake, Pine, and St. Louis Counties.

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August 29, 2012

Ms. Evora Thomas
Legal Services Corporation
3333 K Street, NW 3rd Floor
Washington, DC 20007-3522

Dear Ms. Thomas,

Thank you for the opportunity to provide clarifications to the draft Program Quality Visit report. In order to make the requested corrections easier to follow, I'll try to identify page and paragraph as closely as I can. Most of the corrections are fairly minor.

On page 2, about halfway through the first full paragraph, there is a list of services provided by MLSC. The list refers to a statewide website. The Coalition actually maintains 2 statewide websites – ProJusticeMN.org for legal professionals and LawHelpMN.org for clients/the public. The two websites together provide the set of services described in the rest of the sentence.

Also on page 2, in the middle of the first bulleted paragraph, is a statement that LASNEM's overriding goal is to provide at least some level of service to every eligible client regardless of case type. While we do try to cast as broad a net as possible, there are a number of case types that do get rejected, including real estate transactions, establishment of conservatorships (for non-seniors), and other minor civil matters.

On page 3, in the second bulleted paragraph, the second sentence mentions that LASNEM has lost and may continue to lose some of its most experienced staff because of the 2010 layoffs and other program changes. It is certainly true that we have lost experienced staff, but it wasn't clear either here in the summary or later on in the main body of the report where the suggestion that we may lose more staff comes from. While there always exists the possibility for staff turnover, I don't believe that the implication that our risk of such turnover is higher because of the 2010 layoffs is factually supported.



Also on page 3, in the third bulleted paragraph, there is a statement that LASNEM has no mechanism for advocates to routinely discuss their cases with colleagues outside their offices. It would be accurate to say there was no formal policy for such communications, but I don't think it is correct that there is no mechanism for discussing cases. Many of our advocates make frequent use of statewide topical listservs that connect them not only with other colleagues within LASNEM but also with experts from legal aid programs across the state. Internally, of course, phone and e-mail both exist as mechanisms for communicating with colleagues about cases.

On final correction on page 3, in the final paragraph, the last sentence notes that LASNEM does not make extensive use of pro se materials and does not conduct pro se clinics. It is true that we do not conduct regular pro se clinics. However, we do routinely use pro se forms and materials as part of our advice and brief service cases. Advice cases in particular generally take the form of some specific guidance about each client's situation coupled with either a packet of pro se materials or information about the pro se materials, document assembly, and other support available through the statewide website.

On page 4, the first bulleted paragraph mentions that I have not had a performance appraisal every year (which is correct). I just wanted to add that my most recent one was in 2011 in case you didn't have a date for that review.

At the bottom of page 4, the last paragraph discusses our woeful 2009 needs assessment. The facts described are all accurate, but I think it would be more complete to note that the grant that paid for the assessment required us to allow the grantor to choose the consultant and to allow the consultant to choose the means of implementation.

On page 6, the third paragraph again makes reference to LASNEM's overriding goal being to provide at least some level of service to every eligible client regardless of case type. As noted earlier, while we do try to cast as broad a net as possible, there are a number of case types that do get rejected, including real estate transactions, establishment of conservatorships (for non-seniors), and other minor civil matters.

Also on page 6, the last paragraph makes reference to the "housing-family unit" in the Duluth office. The Duluth office has three units: seniors, family, and general program. The weekly group case meetings involve all three (i.e., the entire staff).

At the very top of page 8, the report notes that we do not have updated written guidance on intake procedures, with a footnote identifying the last update as being 2006. We did adopt updated eligibility screening procedures in 2012 that are used by every office (which I recognize is not the same as a full intake policy, but seems relevant nonetheless). The Duluth staff also noted that they have a written intake manual that was updated in 2011 and which was vital for the temporary staff during Courtney's absences for her son's birth and later surgeries. Neither fact negates the overall finding, but both seem worth pointing out.

On page 8, in the second paragraph, the description of the roll of the paralegals is a little off. The paralegals who receive the cases from intake have the power to reject cases that don't have merit or don't meet priorities. If the matter is advice or brief service, the paralegal will generally handle it, though, consistent with our rules of professional responsibility, an attorney is required to sign off on the advice given. Cases are generally only referred to an attorney when extended service is required or when the advice needed is particularly complex or esoteric.

On page 8, in about the middle of the fourth paragraph, the description of the advice appointments in Grand Rapids notes that "[m]ost appointments are in person, requiring the client to come into the office whenever possible." It is true that most of the appointments are in person, but that is by the choice of the client, not a requirement. Telephone appointments are also offered, and staff even make house calls when necessary to serve clients with limited mobility.

On page 10, in the final paragraph, the facts of our reorganization are generally correct, but some of the numbers are off. The downsizing occurred in 2010, not 2009. Brainerd was reduced from 3 attorneys to 1 (rather than 4 to 1). Pine City was reduced from 1 attorney (not 2 attorneys) and a paralegal to just a paralegal.

On page 11, in the paragraph following Finding 8, is the same sentence noted on page 3 about LASNEM possibly losing more of its most experienced staff because of the 2010 layoffs and other program changes. As above, I don't think that conclusion is factually supported. It could be that we may lose more of our veteran staff to retirement in the coming years, or to layoffs if funding worsens significantly, but both of those are possibilities that always exist. I don't think there is anything about the changes we made in 2010 that increase the likelihood of either possibility.

On page 11, in the same paragraph, is a sentence that states "This has created a significant experience void among advocates." I don't think that conclusion is accurate either. As the report notes, we continue to have a good balance of staff across a broad spectrum from very junior to very experienced. I think it would be fairer to say that there is an experience deficit in the Grand Rapids office, where the retirement of David Kuduk and disability of Kim Day have left us with a relatively young staff, but I don't think the same can be said of the program as a whole.

On page 11, again in the same paragraph, is a note that more than 25% of the staff had been out for some extended period of time in the 8 months between November 2011 and June 2012. The actual percentage was 23% (7 of 30). Also, 5 of the 7 were maternity leaves, which gave us more time to plan and adjust than a typical medical leave might suggest.

On page 11, in footnote 17, for what it is worth, David Kuduk came to Grand Rapids three times, for about a week each time, to provide mentoring and in person support.



On page 12, in the second paragraph, the description of the role of paralegals seems to significantly understate their activities. While paralegals do perform the functions described, most of the paralegals in the program spend a majority of their time in communication with clients, either providing advice or discussing developments in the case. They also do a significant amount of advocacy with third parties, negotiating on behalf of clients. It is true that only 2 of the 9 paralegals conduct administrative hearings, but all of them function as case handlers more than as clerical support.

On page 12, in the last paragraph before Finding 9, the report notes that some staff expressed frustration with the limitations of the Westlaw research. While it may well be true that some staff said that, I don't think that reflects a fair assessment of the actual resources we have. Our Westlaw contract is a statewide contract that is negotiated for the entire Legal Services Coalition. It includes all MN materials, all federal case materials, and a number of practice area libraries. All of the resources are evaluated based on actual usage statistics at each contract renewal and staff feedback concerning areas of need is sought during each negotiation. In addition to the resources available under the contract, staff can – and occasionally do – access any part of West's resources if necessary, even outside our contract. The frustration may reflect a lack of familiarity with the resources we have (which may in turn reflect a need for better training internally), but I don't think it is a fair characterization of the resources that are available.

On page 13, in the final paragraph, the report notes that our high number of cases “appears to be due in large part to the high level of state funding per poor person.” It is true that MN programs are well funded relative to programs nationally. However, I think the conclusion shortchanges two important facts: 1) Our funding is roughly double the national average, but our case volume is roughly triple the national average; and 2) Even within MN our numbers are competitive. Both of those facts suggest that at least some of our productivity is due to the diligence and energy of our staff and the efficiencies that we are able to achieve rather than simply more dollars per poor person.

On page 13, footnote 19 mentions a moratorium on national conferences. I suspect that probably came from my mentioning some concerns about the optics of spending large sums on conferences when we are otherwise trying to reduce costs. Despite my misgivings, however, we do not have a moratorium on national conferences. In fact, we sent one staff member to a Shriver Center training in Chicago this summer, and another went to the NLADA conference last fall.

On page 14, the final paragraph, there is a reference to FHPAP. There are two minor errors: 1) we actually have FHPAP grants in both Duluth and Virginia; 2) the FHPAP grant is targeted at families at risk of becoming homeless, so it applies in eviction or termination cases, but not in housing denial cases. We do handle housing denials, of course, but they do not come under the FHPAP grant.

For what it's worth, I'm not sure that the FHPAP work belongs in the paragraph about special projects in any event, since it is just a funding source for a particular type of



housing work. It is a recent grant, and we did modify our procedures a little bit to accommodate it, so I don't oppose calling it a special project if you think that label fits. In my own mind, though, I would put it in the same category as other grant funded initiatives like our emergency shelter grant, rather than calling it a special project like our seniors project for which we seek a variety of funding sources.

At the top of page 15, there is a mention of the family law project in Virginia. Virginia's program is terrific, but I should note that Grand Rapids uses a similar procedure that it piloted at about the same time. Both initiatives have drawn praise from clients and the community.

On page 18, Finding 15 concludes that LASNEM "does not routinely make extensive use of pro se materials." As noted earlier, we do routinely use pro se forms and materials as part of our advice and brief service cases. Advice cases in particular generally take the form of some specific guidance about each client's situation coupled with either a packet of pro se materials or information about the pro se materials, document assembly, and other support available through the statewide website.

On page 18, in the paragraph under Finding 15, I would again add that there are two statewide websites: ProJusticeMN.org for practitioners and LawHelpMN.org for the client community.

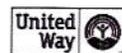
On page 22, footnote 26 mentions that I troubleshoot technology issues before referring them to an outside vendor. It is possible that that is the perception among the staff, but it isn't quite accurate. The only part of our technology that I spend time troubleshooting is our phone system. I do that because we don't have a local vendor to whom we can outsource that task. Our equipment vendor is in California, and only offers telephone support. The actual physical work needs to be done by someone on staff, and we only have 3 administrative staff, including me.

On page 23, in the final paragraph, there is a note about our proposed project to develop smart phone/mobile device based resources. The project is actually a TIG proposal that we are very excited about, but the application is still pending. If we get the funding, the project would actually be somewhat broader than what was described: It would go beyond settlement checklists and would include a variety of quick reference resources to support advice efforts in the field as well as settlement opportunities. As exciting as it would be, though, at this point it is still speculative. If the TIG is denied, then we will not have the resources to pursue the project.

On page 24, in the second paragraph (first full paragraph), the same note about the TIG project applies.

That covers the factual corrections that I noticed. As I mentioned earlier, there weren't very many. I do have a few updates on things that have happened since your visit.

On the general communications front, we have several initiatives going:



The attorneys have a standing conference call on alternating Wednesdays. Laurie Chamberlain from Brainerd is the unofficial chairperson and has done a masterful job of conducting the calls. The calls are set for a half-hour with 15 minutes for discussion of specific case questions and 15 minutes for discussion of a pre-chosen topic. Call participants are free to stay longer than that (and many do), but there is explicit permission to hang up after half an hour so that the time commitment does not feel daunting. The calls have been running since the end of May and have been very popular. Attendance varies, but we typically have 6 to 10 attorneys (out of 14) on any given call. Many of the veterans participate regularly, which has been great for supporting the younger attorneys.

The leadership team has also been having regular conference calls on the second Tuesday of each month. We schedule them for an hour, and have only gone significantly over that on one occasion. That has worked particularly well through the summer when vacation schedules would have made longer in person meetings more difficult. We will meet in person again in September.

Finally, we have started a newsletter with the assistance of David Kuduk who generously volunteered some of his retirement time to be the editor. The first edition is attached. I may be biased, but I think he did a fantastic job. The staff feedback so far has been very positive.

On the needs assessment front, we have created a new task force, headed by Heather Lindula, the paralegal in Virginia who spearheaded the fair housing assessment. The task force is working on integrating needs assessment into our regular work flows. So far they have two projects underway. The first, which is nearly complete, is working with each of the Community Action Programs in our region to add our needs assessment questions to their needs assessment surveys. The CAP programs in MN all conduct assessments every three years, with this year being an assessment year. One big advantage of partnering with them is that they reach many clients in very remote areas with projects like ride shares and meals-on-wheels. When they conduct their assessments they get feedback from literally thousands of client eligible community members. So far, we have agreements in place with the agencies covering 10 of our 11 counties. They will gather and collate the data for us as part of their regular assessment effort in exchange for our donating some staff time to assist with data entry of the survey results. It should be a fantastic window into the needs of the client population, and we can get it for free every three years!

The second project by the needs assessment task force is to develop a set of questions that can be used to turn community education events into impromptu focus groups. The idea is to have three open ended questions (which could be different questions in different circumstances) that would be asked at the beginning of the presentation. Each presenter would bring along an associate to record information (which is less burdensome than it sounds, since we already often send two staff members to many presentations). Ideally, the focus exercise would be seamless, with participants simply



providing the information as background to the presenter to tailor his or her presentation, but by recording the information we would also be getting another window into community needs. This wouldn't be enough to constitute a needs assessment process on its own, but if it became a regular part of our community outreach it would generate a substantial amount of real time data that could be used to supplement our needs assessments. This work is still early in its development, but they are ready to field test a set of questions designed for presentations to partner groups and are working on refining questions that could be used in presentations to client groups.

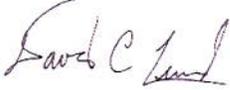
On the work product supervision front, we have a second task force that has been meeting throughout the summer. Co-chaired by Laurie Chamberlain and Mary Russom, the group has canvassed legal aid programs, public defenders, county attorneys, and private firms around the region about their oversight methods. They have developed a rough draft of their recommendations which they are currently editing with the goal of having a final recommendation for the leadership team to review in September. The same task force is also working on standards for advice letters and other client communications to ensure that those materials are written at an appropriate literacy level. The task force is a large one – 8 of our 30 staff – so there should be a good level of buy-in to the final product.

We also have a task force co-chaired by Mary Koszarek and Rob Raplinger developing a standardized instrument and protocol for performance evaluations. They have pulled together an enormous amount of material from MIE, MN Council of Nonprofits, HBR (a human resources/management tools firm), and the Society for Human Resources Management. From those, they have assembled a framework that they believe represents the overall consensus of best practices, and they are now in the process of refining the instrument and protocol with the goal of having a recommendation for the leadership team by October.

Finally, with respect to intake, all of the offices have been reviewing their procedures with an eye toward streamlining the process and to addressing the privacy issue. Virginia has created a separate meeting room for interviews of walk-in clients. Duluth has re-arranged its lobby area to offer more privacy and is working on developing a better long term solution. Grand Rapids is updating its processes to allow interviews to take place in a private cubicle. Grand Rapids has also streamlined its group case process, focusing just on cases that have questions about eligibility or that have questions about how to proceed. The meetings now take about an hour, and staff are much happier with the process.



I think those are the major developments since your visit. It has been a very busy (and I think productive) summer. Thank you for the opportunity to provide feedback about the draft report. Please let me know if you have any questions or if I can provide any additional information.



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