

LAW OFFICES OF
ACADIANA LEGAL SERVICE CORPORATION

1020 SURREY STREET

P.O. Box 4823

LAFAYETTE, LOUISIANA 70502-4823

PHONE: (337) 237-4320 FAX: (337) 237-8839 TOLL FREE: (800) 256-1175

April 2, 2009



Ms. Janet LaBella, Director
Office of Program Performance
Legal Services Corporation
3333 K Street, N.W., 3rd Floor
Washington, DC 20007-3522

**RE: Acadiana Legal Services Program Quality Visit
Recipient No. 619051**

Dear Ms. LaBella:

Acadiana Legal Service Corporation (ALSC) appreciates the dedicated work of the members of the Office of Program Performance (OPP) on-site team and the report which was generated. We have begun implementing the recommendations and look forward to beneficial results. The following is a list of comments regarding the Legal Services Corporation's (LSC) draft report from the visit conducted on December 1-5, 2008.

Introduction Page 4 (third paragraph): ALSC has only one Executive Director.

Performance Area One

Page 8 – Recommendation I.2.2: The Family Law Unit (FLU) has already adopted an ongoing strategic goal which is to serve more victims of domestic violence and streamline accessibility and delivery of services. This goal is being advanced by:

- a. a referral protocol from domestic violence programs that bypasses the normal intake process in expediting intake;
- b. all applications are reviewed and treated with urgency and care;
- c. victim's financial eligibility ceiling is raised to 200% if there has been statutorily defined abuse;

The Lake Charles office is also following FLU's ongoing strategic goal of serving more victims of domestic violence throughout the five parishes served by the office, including involving the assistance of pro bono attorney volunteers to achieve this goal. Further, the Lake Charles branch office has adopted the strategic goal of serving elderly clients by collaborating with the council on aging agencies in Allen and Beauregard parishes, as well as other social service organizations whose primary focus is the elderly citizens of the area.

In 2008, 26% of all Case Service Report (CSR) FLU clients had a component of domestic violence. ALSC shall re-visit the protocol with the goal of enhancing it in addition to ensuring that the intake process checks the domestic violence box in Prime.

Page 8 – Finding 3 (last paragraph):

While the draft report is generally favorable, ALSC disagrees with the statement that the Administrative Law Unit (ALU) rarely sees Medicare, Medicaid and food stamp issues. To respond to this matter, we consulted the CSR, which shows that from January 2006-September 2007, ALU had 189 Medicaid cases, 15 Medicare cases, and 109 Food Stamp cases. For the period October 2007-December 2008, which includes the Helpline advocacy, there were 95 Medicaid cases, 9 Medicare cases, and 31 food stamp cases.

Additionally, FLU currently has four (4) new attorneys and it takes a new attorney at least a year to be comfortable with going to court and understanding the basic divorce pleadings and procedural nuances of family law. Several courts are now requiring hearings in §1702(e) uncontested divorce cases when there are issues concerning minor children. This requirement stems from the court's independent responsibility of deciding what is in the best interests of the minor children despite the uncontested nature of the matter. Most of the divorce cases accepted involve parties being separated at least one year. These uncontested cases serve as the *training ground* for new attorneys before moving on to more vexing litigation. The high attrition rate of FLU attorneys does not help in getting to an ideal "case load" – one that has at least 50% of complex and litigious cases. This has been and will continue to be an ongoing challenge for FLU.

Performance Area Two

Page 9 – Finding 4, Footnote 7: Emergencies also include cases involving domestic violence.

Page 10 – Finding 4 (first fragmented paragraph): At the time this report was written, the intake file was presented to a *staff attorney* after the facts were gathered for eligible applicants. That staff attorney, after a review of the facts presented, would offer appropriate legal advice and close the case. In some instances, the staff attorney would recommend possible referral of the closed case to a substantive delivery unit for consideration of extended representation. The Helpline Managing Attorney would submit the applications to the substantive delivery unit after review and approval (protocol for transmission of cases has been changed since delivery of the report). The Managing Attorney of the Helpline signs letters of rejection to all ineligible applicants.

Page 10 – Finding 4 (third full paragraph): The Helpline has recently implemented a schedule of Monday through Thursday from 8:30 a.m. to 5:00 p.m. There remains a limitation on the number of family law applications accepted on a daily basis. A limitation of

some sort on intake procedures appears to be inevitable in order to keep the callback list manageable.

Page 11 – Finding 4 (first paragraph): The present procedure (and the procedure in effect at the time of the review) dictates that a Helpline intake staff member interviews any walk-in client. This is extremely disruptive to the operation of the unit. A change in this procedure to allow for determination of those situations involving an emergency is currently under consideration. It is hoped that the Helpline will be able to take the name and number of those non-emergency applicants and place them on the callback list for that day.

Page 11 – Finding 4 (second paragraph): Quite often the Helpline staff attorney will present the legal information in a letter to the applicant. We simply do not have the required staff to have lengthy phone calls to every applicant and to follow up those phone calls with letters confirming advice given. Unfortunately, time restraints do not permit this level of service at this time.

Page 11 – Finding 4 (third paragraph): The protocol has subsequently been changed.

Page 13 – Recommendation II.4.2: To achieve the goal of increasing access for clients, the Lake Charles branch office seeks to achieve this goal by expanding its outreach activities to include community seminars throughout the service area.

Page 13 – Recommendation II.4.4: The protocol has subsequently been changed.

Page 23 – Finding 14 (last paragraph): The following staff members, while part of the Executive/Administrative Services Unit, do not attend monthly management meetings: the records specialist, the accountant, and the administrative assistant.

Page 25 – Recommendation IV.16.1: ALSC has a vigorous approach to securing non-LSC funding. Other than the Legal Services Corporation, ALSC maintains relationships with 17 other revenue sources. It is significant to note that ALSC played a leadership role in efforts to secure funding several years ago from a General Appropriation from the State of Louisiana. Finally, it is not insignificant to note that Louisiana's largest funder of access to justice initiatives, the Louisiana Bar Foundation IOLTA Program, funds ALSC at its highest level of funding distribution with the sole exception of Southeast Louisiana Legal Services.

While ALSC's Management and Board is dedicated to the expansion of non-LSC funding through identification and pursuit of revenue from additional sources, as referenced in the report, Louisiana is a very poor state and does not have the number and variety of funders which are available in more prosperous areas of the country.

Ms. Janet LaBella
Page 4
April 2, 2009

Should you have any questions regarding this matter, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe R. Oelkers, III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joseph R. Oelkers, III
Executive Director

cd

cc: Mr. Willie Abrams