



**LEGAL SERVICES CORPORATION**

**Office of Program Performance**

***FINAL PROGRAM QUALITY REPORT***

***FOR***

***Colorado Legal Services***

**Recipient Number: 706060**

**October 15 - 19, 2012**

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**Colorado Legal Services  
Program Quality Report**

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## **VISIT BACKGROUND**

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Colorado Legal Services (CLS) from October 15 - 19, 2012. The team members on the visit were OPP program counsel Nancy Glickman (team leader), John Eidleman, Tillie Lacayo, and Tim Watson and temporary employees Patrick (Mac) McIntyre, Cynthia D. Schneider, and Carolyn Worrell.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation was organized to follow the four performance areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management and the legal work produced; and program management including board governance, leadership, technology, resource development, and coordination within the delivery system.

The team reviewed documents provided by the program including recent grant applications to LSC, technology and PAI plans, workforce analysis charts, case reports, and other service reports. The team also reviewed materials requested in advance of the visit, including documents relating to the program's intake, legal work, and case management policies and systems, advocates' writing samples, and the results of an online staff survey. While on site, the team visited ten CLS offices; Alamosa, Boulder County, Colorado Springs, Denver, Durango, Fort Collins, Grand Junction, Greeley, Pueblo, and Salida. The team spoke with staff from La Junta, Leadville, Frisco, and Hayden, by phone or in person at other offices. The team interviewed program leadership and administration, along with all attorneys and paralegals, and most administrative and support staff. The team also met in person or by phone with the program's board chair and several board members as well as judges and other members of the state justice community including representatives from the Colorado Access to Justice Commission and the Colorado Bar Association, various pro bono entities, and other state and local community organizations.

## **PROGRAM OVERVIEW**

Colorado Legal Services was formed in 1999 as the result of the consolidation of the three Colorado LSC grantees. Its service area consists of the entire state of Colorado. Colorado is the eighth largest state in the continental U.S., with over 100,000 square miles, and is a mix of urban and rural communities. Urban areas include the Denver metropolitan area, which is comprised of six counties totaling more than two million residents, and El Paso County (encompassing Colorado Springs), with a population of more than 600,000. Other urban areas include the cities of Boulder, Fort Collins, Grand Junction, Greeley and Pueblo. There are also over 50 rural counties in Colorado, including areas that attract migrant, agricultural workers. According to the 2010 American Community Survey of the U.S. Census Bureau, in 2010 approximately 880,244 Colorado residents had incomes at or below 125% of the federal poverty level.

With a workforce of 104, including 45 attorneys, and 28 paralegals, CLS maintains 14 offices located throughout the state. Eleven are staffed with at least one attorney; the other three, staffed by paralegals, serve as hubs for referral to pro bono and low-fee contract attorneys. The program serves the dispersed migrant farmworker population of Colorado through its Denver based migrant unit, which utilizes part-time outreach workers during the growing season. Low-income Native Americans residing on the two reservations located in remote Southwestern Colorado (Ute Mountain Ute Tribe; and the Southern Ute Tribe) are served through outreach efforts by CLS staff located in the Durango office.

During 2012, the program received a Basic Field Grant from LSC of \$3,248,934, a Migrant Grant of 139,891, and a Native American Grant of \$90,449. CLS is anticipating a significant upward census adjustment in its LSC funding based on the growth of its low income population. Despite losses in federal, state and IOLTA funding, CLS has managed to avoid layoffs through both attrition and close, creative collaboration with long time equal justice partners and other state stakeholders. LSC constitutes approximately 40% of the program's funding.

While LSC made a post-consolidation inquiry visit to CLS in 2002 and program engagement visits in 2007 and 2009, this was the first Program Quality Visit to the program.

### **SUMMARY OF FINDINGS**

CLS has experienced leadership and staff that are equally dedicated to providing high quality legal services throughout the state of Colorado. The program engages in a multifaceted delivery system in its effort to address both present and emerging needs of Colorado's low income population. The program enjoys an excellent reputation among the bar, judiciary, state stakeholders, and community partners alike.

CLS recently completed a model comprehensive needs assessment that engendered a wide spectrum of input. In between such assessments, the program routinely recognizes emerging needs and develops strategies to address them. While CLS has not engaged in formal strategic planning since the 1999 statewide consolidation of programs, the initial plan still provides a blue print for it to follow.

CLS is close to finally realizing implementation of its long planned coordinated intake system by the installation of a unified program wide phone system. At present, intake varies among offices and each has its challenges. One point of commonality, however, is the often extended wait time between an applicant's first contact with the program and the receipt of services. Program staff are engaged in their communities and offices strive to reach the vulnerable populations within their service areas. Offices provide various forms of outreach and the program has well thought out limited English proficiency practices.

CLS has a dedicated and experienced advocacy staff that provides high quality legal services. They practice in a variety of forums and have achieved far-reaching benefits for their clients. While the program has well defined legal work management and supervision policies, they are not consistently practiced throughout the program and are in need of uniform enforcement. Similarly, the program's technological resources are not used to their full capability. Program

advocates are offered valuable training opportunities and various supportive resources. While Denver specialists are very responsive to field office requests for assistance, more proactive support would be of benefit to advocates throughout the program.

CLS has a highly successful PAI component that uses a variety of models. The program's migrant and Native American components also provide appropriate and quality assistance to their specialized clientele. All CLS advocates engage in other services on behalf of their clients as well as various activities that benefit the low income population as a whole.

CLS has an active and engaged board that appropriately exercises its oversight responsibilities. The program is the beneficiary of an experienced and highly respected long term director who inspires dedication throughout his staff. CLS has adopted a leadership succession plan and is encouraged to expand its development of new leaders, including introducing them to more internal and external leadership roles and relationships. Overall administration of the program appears to be handled in an effective manner by the program's experienced management team. CLS has an enviable and extremely successful collaborative resource development strategy involving various state stakeholders. CLS participates with these same stakeholders as well as numerous justice partners throughout Colorado in a successful integrated legal services delivery system.

## **FINDINGS, CONCLUSIONS, 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.**

### **Needs Assessment and Priorities**

***Finding 1. In 2011 CLS completed a deliberative comprehensive needs assessment process that should serve as a model for other programs.***

CLS commenced its needs assessment undertaking in October 2007 by establishing an advisory committee of 14 representative stakeholders to oversee and guide the assessment process. It was determined that both a widely disseminated online (and alternative paper) instrument as well as in-person participation through focus groups would form the basis for its data collection methodology. CLS next established an internal needs assessment committee comprised of at least one staff member from each office that included attorneys, paralegals, and support staff. The committee provided input for the survey instrument as well as planned and implemented the focus group meetings.

In 2008, both email and traditional mail invitations went out to over 2,000 individuals and organizations throughout Colorado to complete the survey. Ultimately, 658 individuals responded to the survey (a 29% response rate) which included over 200 low-income persons, over 100 representatives of human service organizations, over 100 senior citizens, and approximately 100 private attorneys, bar association leaders, and judges.

With locations selected by GIS mapping and, in an effort to include segments of the client eligible population with access challenges, in 2009 some 20 local focus group meetings were held throughout the state. The focus groups, totaling 323 members of the client community, included monolingual Spanish speakers, homeless persons, seniors, African Americans, Native Americans, Asian Pacific Americans, and migrant farmworkers. Of note, childcare and interpreters were provided free of charge for each group meeting.

Reports written from each focus group meeting and the tabulated data from the surveys were reviewed by the advisory committee, the internal needs assessment committee, and CLS management. A massive report was generated and in December 2011, the CLS board reviewed and accepted the needs assessment report and, in turn, approved the program's priorities. CLS gives priority to cases and other services that accomplish the following goals: provide support for families and children; preserve the home; maintain and enhance economic stability; assure safety stability and health; assist populations with special vulnerabilities; and assure delivery of legal services to eligible clients. The program anticipates that its next extensive assessment will occur within the next five years.

### **Evaluation and Adjustment**

***Finding 2. CLS has systems and approaches in place that allow it to identify new and emerging legal needs and has a history of addressing such needs as they become apparent.***

Each office and/or unit within CLS holds weekly meetings to consider new intakes. These meetings also include discussion of any new or unusual patterns of legal needs. Additionally, many CLS staff are actively involved in local and state collaborative networks with other providers wherein common client needs are routinely discussed. Information concerning any new or unaddressed need is also shared among offices through a variety of means including the program listserv and/or its task forces. Once a need is identified, the program endeavors to address it through an appropriate strategy. For example, when the necessity for proper identification to access an array of state benefits emerged as an underserved need, the statewide ID Project was formed. In 2010, when CLS witnessed an increased demand for assistance from veterans, service members, and their families, CLS initiated the Individuals with a Military Connection (IMC) Project which links persons with a military connection to legal resources and information about benefits to which they may be entitled. The 2011 assessment process revealed possible gaps in CLS's services related to employment and immigration and these areas are now being scrutinized by CLS to determine whether additional or enhanced services can be provided.

***Finding 3. CLS does not currently have a formal process to evaluate its delivery but is considering various options.***

Although the staff and board review yearly statistical data to assess program delivery, there is no formal evaluation process of the program's services. However, CLS is currently studying various outcome measurement methodologies and intends to implement a procedure in the future.

## **Strategic Planning**

***Finding 4. While CLS's Strategic plan was adopted 12 years ago at the time of the statewide consolidation, its core principles, values, and strategies still hold true today, and some of the original goals have yet to be fully realized.***

As part of the Colorado statewide planning effort in the late 1990s, a committee composed of staff and board of the then three legal services programs prepared a strategic plan for the new statewide LSC funded program; Colorado Legal Services. The plan's stated purpose was, and is, to provide meaningful access to high quality legal services in the pursuit of justice for as many low income people throughout Colorado as possible. The legal needs listed to be addressed mirror much of the current priorities including family, housing, consumer, health, and public benefits law. Similarly, the desired service delivery strategies of providing advice and brief service, support for pro se litigants, formal representation, and community development are equally relevant today. In addition, the plan underscored a commitment to equal access to services for clients throughout the state. Towards that end, it was envisioned that applicants would receive telephone advice via a "legal hotline". As more clearly delineated under Performance Area 2, Finding 5, despite the best of intentions, such a hotline has yet to be established.

The plan not only included delivery strategies but institutional strategies as well. Chief among them were developing a core of talented and experienced staff, encouraging innovation, increasing resources, building public support, and making full use of established technologies. As reflected throughout this report, CLS has been highly successful in its staffing, innovative legal work, resource development, and in garnering public support. However, this report makes it equally clear that the program continues to have challenges in making the most of its technology capability.

***Recommendation 1.3.4.1<sup>1</sup> The program should continue its efforts to develop outcome measurements.***

***Recommendation 1.3.4.2\* The strategic plan should be updated as deemed necessary and the original access and technology goals should be implemented in accordance with the specific recommendations discussed in later sections of this report.***

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

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<sup>1</sup> Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, finding 14, and third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk are Tier One recommendations and are seen as having a greater impact on program quality and/or program performance. In its next Application or Renewal, the program will be asked to report on its implementation of Tier One recommendations.

## **Intake**

### ***Finding 5. CLS has struggled with implementing a statewide coordinated intake system for over a decade.***

In order to provide equal access for clients throughout the state of Colorado, the 1999 consolidation of the then three LSC funded programs envisioned implementation of a statewide intake/hotline system. When LSC conducted a post-consolidation inquiry visit in 2002, the system was still in the planning stages. Mindful of the costs involved in implementing such an expansive system, the 2002 visit report did not set any deadlines but urged the expansion of the existing Denver based system, even incrementally, as resources allowed. The 2007 LSC program engagement visit revealed that the program was still exploring various coordinated intake options. By the 2009 program engagement visit, the program had engaged in more formal planning and preparation efforts. Despite a number of hurdles, including a major change in telephone service providers, the project is now beyond the planning stages as necessary linkage equipment has been purchased and is in the process of being installed. A new program-wide phone system, the cornerstone of coordinated intake, is currently being installed on an office by office basis with more than half of the installation complete at the time of our visit. The program hopes to have a fully functional program wide coordinated telephone intake system up and running in 2013.

### ***Finding 6. In the absence of a coordinated system, intake varies by office<sup>2</sup> and each has its challenges.***

The Denver office, comprised of seven separate substantive units, utilizes a telephone call back system staffed by volunteers. Callers are initially greeted by a recording and, for the purposes of intake, choose either domestic relations or non-domestic relations matters. If it is domestic relations, they are advised to leave their name, number, and a brief description of their legal problem. Callers with non-domestic relations issues are routed to a receptionist who, if available, screens for general financial and case type eligibility, and, when appropriate, places the caller's name and number on a call back list. If the receptionist is unavailable, callers leave messages and the receptionist calls them back. Call back sheets are arranged in order of the time the call is received with color-highlighted emergencies given priority. The goal is to return all calls within 48 hours and emergencies within 24 hours. (On the Monday of the team visit to the intake unit, volunteers were returning Friday calls.) Walk-in applicants without appointments are interviewed three mornings a week; if no one is available they might be asked whether they prefer to be called or to come back another day to avoid a possible extended wait time.

Trained volunteers, ranging from four to twelve persons on any given day, make the return calls to applicants and gather both financial and factual information utilizing various unit-generated substantive questionnaires. Information gathered during the intake is not entered into the case management system (CMS) contemporaneously with the intake. Rather, it is handwritten and

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<sup>2</sup> As part of the team's pre-visit preparation, LSC requested a description of the programs intake process and, if the process differed by office or by unit, to provide a description of each office's or unit's process. In response to this request, the team received nineteen separate documents; twelve from different offices and seven from units.



later entered into the system by data clerks. The volunteer reviews their completed intakes each day with the intake unit supervising attorney or paralegal and a determination is made as to the next steps. Such steps could include a call back for more information, a call back to reject, referral to a substantive law unit (where an additional call for information might be made), referral to pro bono or other resources, or the sending of a detailed advice letter. Intakes that are sent to a unit follow each unit's case acceptance procedure.

This system presents an array of challenges. Applicants are forced to wait at several points in the process. A potential client may have to go through three separate interviews (intake receptionist – intake volunteer - unit paralegal) before a decision on their case is made and/or any advice is received. While awaiting any of these steps, applicants may abandon the effort and currently there is no way of tracking how many clients are lost in the process. In various team interviews, both CLS staff and community partners mentioned concerns about applicant wait times. Additionally, the use of volunteers is a two edged sword. While such use initially appears to save staff time, it does require extensive use of the programs resources to train, maintain, and retain the volunteers. Many volunteers terminate their service just when they are at a point of being a genuine asset to the program. Further, a number of staff as well as pro bono partners mentioned concerns about the quality of the volunteer information gathering. Some units we spoke to routinely call back the clients to confirm the facts before rendering any case acceptance decision. Finally, failure to enter information contemporaneously with the intake not only presents a duplication of effort but handwritten information passed among several staff is fraught with potential problems, including illegibility, misfiling, and inadvertent loss.

In the field offices outside of Denver, intake generally commences with the receptionist via phone or, more often, a walk-in.<sup>3</sup> In some offices there is no privacy available to applicants when speaking to the receptionist due to the arrangement of the reception area. In small offices, any of the available staff may handle the initial contact which consists of general eligibility screening. A number of offices require that the client fill out a paper application and return it to the office in person or through the mail before any decision on assistance, including simple advice, is made. Review of the written application and/or initial screen are assigned to staff who may conduct follow-up phone calls or in person appointments. The timing of applicant data entry into the CMS varies among offices with some being contemporaneously and others at a later time. Completed intakes are generally staffed at a weekly group case acceptance meeting. Although an applicant's initial screen appears to occur faster in the field offices than in Denver, the required written application as well as the possible need to return to the office prior to a case acceptance decision creates their own obstacles to obtaining timely assistance.

In March 2012, CLS commenced offering an Online Eligibility Screening Tool (OEST) that, despite a soft launch, garnered some 1400 screens in its first six months of operation. The information collected from the applicant during the online interview is equivalent to information collected when applicants call CLS offices to apply or complete a paper application. Each office reviews the OESTs for its service area on a daily basis and the requests are either rejected as ineligible or a call back is made for further information. Thereafter, the standard intake protocol for each particular office is followed.

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<sup>3</sup> As noted in Finding 7 supra, many offices do targeted outreach wherein they conduct off site intake.

It is important to emphasize that although the program's various intake systems present procedural challenges for applicants, team interviews with judges, community partners, private attorneys, and state stakeholders universally found CLS staff to treat their clients with the utmost dignity, respect, and compassion.

***Recommendation II.1.5.1\**** *A statewide coordinated intake system should be implemented with all deliberate speed. The system, at a minimum, should provide assistance at the first point of contact and not require an applicant to physically go to an office to receive advice.*

***Recommendation II.1.6.1\**** *Pending establishment of a statewide coordinated intake system, current office intake procedures should be adjusted to avoid multiple and/or required in person contacts as well as extended time between initial contact and receipt of assistance.*

***Recommendation II.1.6.2\**** *Applicant's intake eligibility information should be contemporaneously entered into the CMS and substantive questionnaires should be incorporated into the CMS in a manner that would allow for direct input into the system.*

***Recommendation II.1.6.3\**** *The program should make arrangements for the receptionist in all offices to conduct any intake functions in a private setting if there is any possibility of being overheard.*

### **Engagement with and access by the low-income population**

***Finding 7. CLS staff are engaged in their communities and the program strives to reach client populations that may face unique access barriers.***

Through GIS mapping, among other things, CLS has determined where legal services are most needed and have concentrated a physical presence in those geographic locations. Office locations are in most major cities, are well known, appear convenient for clients and are all handicapped accessible. Offices are clean and pleasant and often filled with displays of various legal education materials.<sup>4</sup>

Mindful that it may be difficult for all clients to reach their offices, the field offices do outreach intake to outlying rural counties on a routine basis. In addition to geographical outreach, the offices do targeted outreach to specific vulnerable sections of the population including the homeless, seniors, Native Americans, migrants, and those with accessibility issues.

Staff members are highly engaged in the communities they serve. They work closely with various local organizations including those assisting victims of domestic violence, the homeless, the disabled, veterans, and low-income tenants. They attend human service collaborative meetings and various other community gatherings throughout their individual service areas.

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<sup>4</sup> While there were some issues concerning the physical condition of the Durango office, the program was in the process of searching for new office space during our visit and successfully relocated to an improved location prior to the drafting of this report.

***Finding 8. CLS’s dedication to its LEP clients goes beyond access to their own services but to the greater judicial community as well.***

CLS has a well thought out *Language Assistance Policy for Limited English Proficient Individuals* that includes an annual assessment of client needs, oral interpretation policies, translation of written materials, use of bilingual staff, and mandatory training for all staff. The program has a designated program-wide language access coordinator as well as a designated language access coordinator in each of its offices. The predominant non-English language spoken by the CLS client community is Spanish and almost every office is staffed by at least one Spanish/English bilingual employee and the program is committed to hiring more such staff. Ethnic Bridge phone interpretation service is also available in every office. In the Denver office, several volunteers speak a language other than English and CLS collaborates with partner organizations in the community such as Lutheran Social Services’ Refugee and Asylum Program and the Translation Center at the Denver Center for Crime Victims to provide language interpretation.

CLS has also been involved in the development of LEP policies for the state’s court system as part of its cooperative efforts with the U.S. Department of Justice’s investigation of a complaint against the Colorado State Court system. The combined effort, which also included the Statewide Access to Justice Commission and the local access to justice committees, resulted in the issuance of a 2011 directive by the Chief Justice of the Colorado Supreme Court to all state courts. The directive mandated, among other things, that Colorado courts provide interpreters to limited English proficient individuals in all civil cases.

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

**Legal representation**

**A. Staffing and Expertise**

***Finding 9. CLS has a dedicated and experienced advocacy staff with a high level of expertise.***

At the time of the program quality visit, CLS had 45 attorneys on staff with an average experience level of 16 years. Fully one-third of the attorneys have over 20 years of legal experience and only five attorneys have less than five years’ experience. CLS paralegals have a similar wealth of knowledge. Eight of the 26 program paralegals having been with legal aid over 20 years including three who have been with CLS or one of its predecessor since the days before the 1974 creation of LSC. The team noted with both admiration and concern that a third of the program’s advocates are approaching retirement age. Mindful of this fact, the program is endeavoring to find ways to capture and preserve such a wealth of expertise.

Each substantive area in which CLS practices has a commensurate specialty unit located in the Denver office. The supervising attorney for each of those units (Consumer, Family and Children, Health/Elder and Family Public Benefits, Housing, Migrant, and Statewide Advocacy Support – which includes Immigration and ID Project Specialists) has considerable experience and training

in her/his area of expertise, and shares that knowledge with the field office case handlers who primarily operate as generalists. The field office managing attorneys average 16 years of legal experience, ranging from 10 to 20 years in the profession. The director of advocacy has directed advocacy for CLS or one of its consolidated programs for over 25 years. He is the author of the Colorado Continuing Legal Education landlord-tenant treatise that is currently in its fifth edition. CLS advocates also serve as recurring trainers for the National Institute of Trial Advocacy (NITA) and the Management and Information Exchange (MIE). Not only do program advocates routinely train local community partners on poverty law, they have also been invited to be part of training sessions for both Colorado's Assistant Attorneys General and Administrative Law Judges.

***Finding 10. Although the program appropriately targets resources to address client needs throughout its vast service area, recent staff departures coupled with funding cuts have resulted in possible substantive and geographic service gaps.***

Like most LSC programs, CLS has recently faced funding cuts by a number of its traditional funders including LSC and IOLTA. Despite the executive director volunteering that attrition is the worst way to orchestrate a planned retrenchment effort, the departure of 12 staff during the past two years has certainly abetted the program's current financial situation. Most notable of the departures affecting service delivery are the loss of attorneys in Denver's housing and family/children's unit, and attorneys in Alamosa and Durango. While the team applauds management's conservative financial policies, replacement of these attorney positions should be among the highest staffing priorities.

## **B. Quantity and Quality of Legal Work**

***Finding 11. CLS provides high quality legal services to large numbers of Coloradans throughout its service area.***

In 2011, CLS closed 11,469 cases of which 20% were extended cases. CLS's overall closed cases, extended closed cases, and contested closed cases per 10,000 poor people were each above the national median for LSC funded programs. Moreover, a review of county poverty population levels as compared to county closed case statistics reflect that services are being equitably rendered throughout the state and not just in the larger counties where offices are located. The types of cases handled are also well dispersed among the program's priority areas. In 2011, the majority of closed cases were in the areas of family (42.4%), consumer (21.8%), housing (19.4%), and health/public benefits (10%).

Systemic advocacy is highly encouraged at CLS and was the theme of the 2010 CLS Statewide Meeting. The program is known for its aggressive advocacy in such areas as public benefits, health, and housing; both through litigation and in leveraging its long-standing relationship with the various local, regional, and state agencies that administer such programs. CLS has successfully challenged cuts in health care assistance for both children and adults. They have challenged Medicaid transfer penalties, the complexity of Social Security work rules, and difficult to decipher state agency notices. Its housing work has gone beyond simply avoiding Section 8 terminations for its clients and has also resulted in securing overall changes in the

voucher termination process. Program advocacy has resulted not only in immediate benefits for clients but has established credibility with the state agencies such that they have made subsequent requests to assist in developing future policies for the benefit of their shared client population. Similar relationships exist on a local level throughout the state concerning a number of issues. Field office advocates have ongoing relationships with local housing authorities, social service departments, social security offices, and court personnel wherein they routinely meet to discuss issues that might affect the low-income population.

The formidable reputation enjoyed by CLS's advocates extends well beyond their potential adversaries to the very forums where they practice. CLS welcomed our invitation to arrange interviews with the judiciary and arranged over a dozen telephonic and in person meetings throughout the state. Such interviews included those with administrative law, county court, state trial and appellate court, and federal court judges. The array of judges was emblematic of the various forums within which CLS advocates practice and their praise of CLS advocacy was universal. They all found CLS advocates professional, well prepared, knowledgeable about the law, and committed to their client's cause. What was most impressive, however, was the judges' ability to easily name specific CLS advocates that appeared before them as well as to recall memorable cases.

CLS also has a number of special projects and/or units that were created to address specific identified needs. For example, in an effort to improve the welfare of children in Colorado, in 2009 CLS formed a medical/legal partnership (MLP) with Children's Hospital in Denver. The partnership consists of both CLS and hospital staff. The MLP screens patients or families of patients at both the Child Health and Asthma Clinics each week and a CLS attorney is available on site at the hospital once a week. Cases handled or referred by the MLP include housing, public benefits, domestic violence, and utility matters. The statewide ID Project was formed in response to the need for identification to gain various benefits in Colorado, particularly Medicaid for children. The project goes way beyond simply assisting individual clients in obtaining identification. Not only has the project dealt with Colorado agencies that require IDs in fashioning acceptable remedies, but they have also worked with vital records departments in other states, including New York, Texas, and Michigan to ease their requirements in issuing birth certificates. Although based in Denver, as a statewide unit, the project has done "road shows" to expand knowledge of the program to clients and local agencies alike. Most recently, with the advent of a substantial grant from Colorado's share of the national mortgage foreclosure settlement, CLS is currently setting up a special foreclosure unit with attorneys based in its Denver, Colorado Springs/Pueblo, Grand Junction, and Fort Collins/Greeley offices.

While the program as a whole engages in a myriad of forums using a variety of advocacy tools, the majority of complex matters appear to be handled by the Denver based attorney staff and/or the larger field offices. Smaller office work appeared generally more routine and did not typically involve extensive discovery, sophisticated motions practice, and/or extensive brief writing. This was also evidenced in the level of complexity of the writing samples that were submitted for the team's review. It is, however, equally important to note that regardless of the limited nature of the case, the written work submitted was generally of high quality. The exception, however, were some of the paralegals' submissions which could have benefitted from a closer supervisory review.

### **C. Legal Work Management and Supervision**

***Finding 12. While the program has well defined legal work management and supervision policies/protocols, they are not uniformly followed throughout the program.***

CLS has an impressive *Casehandler Standards* manual. It is divided into three sections addressing client relations, internal control and quality standards, and practice standards. There are some 37 standards and each is supplemented with a commentary. While the team found that CLS advocates appeared to maintain high standards in their individual practice and relationships with clients, a number of internal controls were not uniformly practiced throughout the program; most notably the standards as to calendaring/tickling and supervision.

The commentary for Standard 2.1, *Timely treatment of cases*, calls for a calendaring and tickle system to keep both the casehandler and pertinent office staff apprised of various specified dates encountered in the handling of a case. Despite the program's CMS and email system having calendaring capabilities, the team did not find them being used by offices and/or units. Rather, individual staff kept their own calendars, often only in a singular paper form. While there was no evidence to suggest that deadlines were being missed, the need for such information to be known beyond the casehandler is self-evident and is clearly recognized by the program's standards.

Both the *Casehandler Standards* and, a companion document, *Expectations for CLS Managers* recognize that supervision is an integral part of quality service delivery. The *Standards* mention a variety of means to exercise supervision and the *Expectations* have a checklist of numerous indicia of being an effective supervisor. While supervisors routinely discuss cases at their inception at office/unit group case acceptance meetings and sign off on cases prior to closure, with some individual exceptions, the team found little in the way of ongoing case supervision beyond open door policies. Review of written work is generally self-directed by both attorney and paralegal staff. Formal case reviews are rarely conducted, despite the program's development of specific *Case Review Guidance for Managers*. Additionally, the lack of any requirement for advocates to put case activity entries and/or case status updates in the program's CMS, precludes even a meaningful online review. The team is mindful of the fact that invoking formal supervision policies with such an experienced staff can be a challenge, and it in no way is meant to be a reflection on their current quality of work. However, a culture of ongoing supervision is necessary to serve not only as a model for emerging supervisors and new staff, but to allow for those rare instances when an experienced advocate is no longer performing as presumed. As noted in the ABA Formal Opinion, cited in CLS's supervision standard, "Such internal communication and control is not only permissible but salutatory."

### **D. Training and Support.**

***Finding 13. CLS provides a variety of training opportunities and support mechanisms for its advocates. However, the provision of proactive support in all priority areas could be enhanced.***

CLS is committed to offering high quality training to its staff. Aside from the standard state and local sponsored continuing legal education events and webinars, the program routinely sends

advocates to national training sessions including those sponsored by NLADA, Equal Justice, NOSCCR, NCLC, NITA, MIE and NACA. The program subscribes to Lexis and hard copies of various state and federal manuals are available to staff. In order to assist with its factual research, the ID project has an account with ancestry.com. The program also has a unique arrangement with the University of Colorado Law School wherein students conduct various research projects on behalf of CLS advocates. CLS has an active internal advocacy listserv overseen by the director of advocacy and most staff are members of national listservs as well. Advocates have access to a variety of forms and pleadings and (although only utilized by some staff) HotDocs software. The program maintains a viable litigation fund that is routinely accessed by staff upon appropriate approval.

Although CLS maintains statewide task forces for the major areas within its substantive areas of practice; housing, consumer, family, and public benefits, some are more active than others. The consumer task force holds bi-monthly meetings which serve as an intra-office strategy session by identifying and addressing common issues throughout the state. The public benefits task force meets quarterly and operates as a clearinghouse on various public benefits issues. Neither the housing nor the family task forces have met for quite some time. The sharing of Denver specialty unit expertise is similarly uneven. While field staff uniformly praised the Denver specialists' responsiveness to inquiries, the program would benefit from more proactive assistance to the field offices. Enhanced issue recognition and creative collaborative efforts would not only decentralize expertise, but also provide the mentoring necessary to engage in more complex matters outside Denver.

***Recommendation III.1.10.1 As soon as resources permit, or when other circumstances make it possible to do so, the program should restore an attorney to the Denver Housing and Family/Children's Units as well as to the Alamosa and Durango offices.***

***Recommendation III.1.11.1 The program should enhance its overall advocacy profile for addressing complex issues throughout the service area by, among other things, more proactive efforts by Denver specialists to train, educate, and co-counsel with the field office attorneys, and reinvigorating the housing and family task forces.***

***Recommendation III.1.12.1\* The program should develop and enforce uniform legal work management and supervision procedures to include the following:***

- *Office wide tickling and calendaring;*
- *Entering of case notes and designation of case status in the program's CMS;*
- *A schedule for comprehensive in person and periodic online case reviews; and*
- *Review of written work.*

***Recommendation III.1.12.2\* The program should provide appropriate technology training to all staff to effectuate the above recommendation as well as otherwise enhance program delivery and efficiency.***

## **Private Attorney Involvement**

### ***Finding 14. CLS has a multifaceted PAI program that has proven highly successful.***

Prior to the formation of CLS, there were not only three separate LSC grantees, each with its own PAI components, but also a variety of local bar associations that had long standing pro bono programs. CLS works cooperatively with all the established locally based models and has highly effective in-house units.

The Denver, Durango, and Grand Junction offices house an independent pro bono program. Intake between the two programs is generally consolidated and CLS staff are available to mentor and assist volunteers. The Alamosa, Colorado Springs, Fort Collins, Grand Junction, Greeley, and Salida offices partner with independent pro bono programs. Intake is not necessarily coordinated but cases may be referred between programs. CLS staff provides mentoring, training, and other support to pro bono staff and volunteers.

Boulder, La Junta, Pueblo, and the three offices (Frisco, Hayden, and Leadville) of the Northwest Colorado Legal Services Project (NWCLSP) incorporate PAI functions into the operation of the CLS office. And, in the case of NWCLSP, referral to PAI attorneys is the primary mode of service delivery. The offices recruit attorneys, maintain panels, mentor and assist volunteers, assign cases, and track them. In both Boulder and NWCLSP, client satisfaction surveys are utilized and recent results reflect high levels of satisfaction. While the vast majority of the attorneys operate pro bono, contract attorneys are periodically used in Boulder as well as more remote rural areas.

CLS has developed an extensive PAI *Best Practices Manual*. It contains, among other things, CLS's PAI guidelines and policies with references to and copies of LSC Program Letters on PAI, LSC opinions regarding PAI, and a Colorado bar ethics opinion on conflicts. Various chapters of the manual also include CLS program policies for contract attorneys, policies on PAI timekeeping, PAI case closing procedures, and case support policies.

CLS PAI staff know their lawyer communities well and do an excellent job recruiting volunteers. PAI staff regularly attend bar functions and have worked hard and successfully to ensure the support of the private bar and local judiciary. In a number of team interviews of judges and private attorneys, CLS PAI coordinators were mentioned by name as doing excellent jobs.

CLS has also collaborated in several statewide initiatives to enhance pro bono. These include providing CLE credit for pro bono work; establishing a pro bono emeritus or inactive attorney status; and implementing limited representation authorization and guidelines. CLS was also instrumental in having the Colorado Supreme Court hold a recognition event outside of Denver to encourage rural pro bono. CLS has sponsored a number of CLE seminars for pro bono attorneys in cooperation with the state and local bar associations. The Administrator of the NWCLS Project (who also serves as the CLS statewide pro bono coordinator) is the chair of the Colorado State Bar pro bono teleconferences held every few months. The purpose of these



conference calls is to promote networking, share information, assist with problem solving and provide training on legal and program management topics.

The number of PAI case closings demonstrates the effectiveness of the program. In 2011 CLS closed 957 PAI cases of which 31% constituted extended case services. CLS's closed 2011 PAI cases per 10,000 poor persons is in line with the national medians for overall closure, extended cases, and contested cases. What is somewhat remarkable about these statistics is that in the largest Colorado city (Denver), PAI is handled by an independent program and although it works with CLS, the cases closed by the Denver area Metro Volunteer Lawyers Program are not counted for LSC CSR purposes. Hence, the bulk of CLS's PAI case closings come from rural areas. Moreover, these numbers do not include the array of other services provided by PAI volunteers including conducting clinics, assistive co-counseling, and training.

### **Other program services and activities on behalf of the low income population**

*Finding 15. CLS is committed to providing a full range of services to and for its client community.*

CLS advocates' job descriptions include not only case handling responsibilities but also various functions that recognize the need for active and ongoing community involvement. Each year the program conducts well over 100 community legal education events throughout the state. They have held such sessions at, among other locations, senior centers, public libraries, housing projects, Head Start offices, domestic violence shelters, schools and mobile home parks. Beyond general community legal education, most offices routinely conduct pro se clinics on such topics as divorce, custody, bankruptcy and advanced directives. In addition to educating clients, program staff customarily train community partners on the rights of their joint clientele on a myriad of legal topics. And, if there is a local human service fair to be held, CLS surely will have a booth.

Staff are also members of numerous local coalitions and collaborative efforts addressing the needs of various client groups including seniors, the homeless, tenants, and victims of domestic violence. Advocates are similarly engaged in state and local bar efforts that effect the client population including membership in substantive law sections and serving on local access to justice committees.

### **OTHER LSC SERVICE AREAS<sup>5</sup>**

#### **Migrant Grant**

*Finding 16. Despite a relatively modest migrant grant, the CLS Migrant Unit provides a full range of quality assistance to Colorado's migrant farmworker population.*

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<sup>5</sup> This section of the report includes findings and recommendations for migrant and Native American legal services where they differ from or supplement those provided for basic field services. Findings continue the consecutive numbering of the earlier sections of the report.

CLS receives slightly less than \$140,000 in migrant funding from LSC. The unit operates out of the Denver office and is staffed full-time by a managing attorney, a staff attorney and a paralegal. The full-time staff is supplemented by part-time outreach workers and summer law-school interns during the growing season. All unit staff and outreach workers are bilingual in Spanish and English.

The unit conducts its own strategic planning every one to two years and does an annual outreach debriefing to plan for the next season. The unit performs targeted outreach during the growing season providing both community education and making intake easily accessible. Of note, due to its outreach and internal phone intake system, the Migrant Unit does not suffer from the intake challenges that the program faces as a whole. However, outreach in certain areas is conducted by a single outreach worker which could pose safety concerns or prove problematic should a dispute arise as to what transpired or was observed during the course of outreach.

The unit works to address the systemic problems of migrant farmworkers in Colorado including human trafficking, wage theft, working conditions, and sexual harassment. Recently, the unit's work with the U.S. Attorney's Office resulted in a total of over \$125,000 in restitution to nine victims of human trafficking. Recognition of the growing trafficking issues led to the program seeking and receiving an anti-trafficking grant that will support a half-time attorney to work on such issues that affect the migrant farmworker population. The unit works extensively with other organizations that serve the migrant farmworker population throughout Colorado as well as with state agencies including the Colorado Department of Labor. Advocates also participate in coalitions and task forces such as the Colorado Migrant and Rural Statewide Coalition and the Wage Theft Task Force that work to address the major issues that farmworkers face.

***Finding 17. The Migrant Unit has commendable legal work supervision policies in place.***

The unit holds weekly case staffing/case acceptance meetings that are also used to discuss both new intake and ongoing cases. All cases that are in litigation are routinely co-counseled and any extensive written products are reviewed prior to submission to a court or agency. In addition, unit advocates have all their cases reviewed twice a year. Moreover, in recognizing that some of its litigation can be quite complex, the unit has sought and obtained experienced pro-bono co-counsel when needed.

***Recommendation II.1.16.1 The Migrant Unit should reconsider its practice of having outreach visits conducted by only one outreach worker.***

## **Native American Grant**

***Finding 18. The program's Native American grant addresses the unique needs of Colorado's Native American population.***

The program's Native American legal work is primarily conducted out of the Durango office due to its proximity to the Southern Ute and Ute Mountain Ute ("UMU") reservations. Staff conduct outreach on the reservations and not only practice in the Ute courts, but one attorney is also licensed to practice in the Navajo tribal court as well. Most of the legal work involves domestic

issues where the most frequent difficulty, as is typical of Native American advocacy across the nation, is to resolve jurisdictional conflicts. Additionally, due to the lack of attorneys willing to take appointments as guardians ad litem in UMU tribal court's dependency and neglect cases, staff has commenced taking such requests directly from the tribal court or tribal social services.

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

##### **Board governance**

***Finding 19. CLS has a diverse board that appropriately reflects the program's statewide service area.***

The CLS board of directors is comprised of 27 directors with 17 attorney directors, nine client-eligible directors, and one additional director as deemed appropriate. From its inception as a consolidated statewide program, CLS has sought to maintain a diverse board reflective of the program's large service area. As mandated by its bylaws, 14 of the CLS attorney directors are appointed by the Colorado Bar Association with specific requirements as to practice locations to guarantee statewide representation. To further ensure diversity, the three remaining attorney slots are appointed, one each, from the Colorado Women's Bar Association, the Colorado Hispanic Bar Association and the Sam Cary Bar Association, a professional group formed to honor the first African American attorney in Colorado. The nine client-eligible members are appointed by various organizations, again designated by location, that work with various client groups including the elderly, disabled, Native American and farmworker client populations. At present, the board's composition includes 59% women and 33% ethnic minority group members.

***Finding 20. A significant percentage of board members have a high level of ongoing engagement and all appear deeply committed to the program and its mission.***

The team found that all the board members with whom they spoke were well informed on the issues facing the program. Every one of them fully recognized and was actively engaged in carrying out the board's responsibility to provide independent judgment as a body, and to conduct appropriate oversight of the program. While the board as a whole meets four to six times a year, most issues are routinely analyzed at the initial level by the various board committees with reports and recommendations later presented for consideration by the full body.

The CLS board maintains six active standing committees: Executive; Finance and Audit; Client Grievance; Personnel; Priorities and Long Range Planning; and Policies and Regulations. In addition, three ad hoc committees – Nominating, Executive Director Evaluation, and Labor Management Negotiations – are all filled, staffed and utilized as appropriate. Each of the committees is fully involved in its assigned tasks.

The Finance and Audit Committee members regularly meet to review monthly financial statements as well as the current and future year budget projections. This past summer they reviewed a proposed updated accounting manual and passed on its approval to the full board.

The committee works closely with senior management in developing each year's budget based on conservative yearly projections of revenue. A familiar refrain from board interviews was the favorable observation that, when it came to fiscal matters, the director "under-promises and over-delivers".

The Policies and Regulations Committee recently completed a leadership succession plan and is in the final review stages of a disaster and emergency response plan. The Priorities Committee conducted a thorough review of the 2011 comprehensive needs assessment, and the Nominating Committee recently met to fill an officer vacancy. Additionally, at the time of our visit, the Executive Director Evaluation Committee was in the process of conducting interviews for its current evaluation process.

There is client-eligible board member representation on each committee and one of the client-eligible board members serves in the capacity of Vice Chair of the full board as well as Chair of the Priorities and Long Range Planning Committee. Attorney and client-eligible board members alike mentioned the value each brought to the table. The team noted that a specific time is reserved at every board meeting, during which client-eligible members in attendance are offered an opportunity and encouraged to bring any matters of special importance and interest that they feel merit the attention of their board colleagues.

The board and the executive director appear to have an excellent working relationship. Board members interviewed spoke extremely highly of the executive director who, in turn, expressed deep appreciation for the strong support and steady involvement of various board members. Notwithstanding their high level of confidence in the program's management, board members also made clear to the team that they are not averse to asserting their authority as policy makers. When asked to do so, board members were readily able to recount instances in which staff proposals had been significantly altered in response to board guidance. Most notably, it was the board that spearheaded the need for maintaining an expanded fund reserve. The board also understands its role in priority development and program integrity; it seriously reviews proposed service priorities, and satisfies itself that the required assurances in the annual program integrity report are verified.

The program has developed a Board of Directors Manual, which is excellent. Among other things, it contains: 1) the pertinent Articles of Corporation and Bylaws; 2) information about the history, mission and vision of CLS; 3) the last adopted CLS Strategic Plan; and 4) guidance on the individual and collective roles and responsibilities of board members. Although new board members do receive some initial orientation from the executive director, the size and reach of CLS and the resulting volume and complexity of the board manual materials, necessitate a more formalized process.

***Recommendation IV.1.20.1 CLS should develop and implement a regular, recurring process of orienting newly appointed board members. To the extent feasible, it would appear useful to have one or more interested client-eligible board members participating in this process.***

## Leadership

***Finding 21. While the staff as a whole is one of the program's strengths, the team noted numerous indications that the single greatest strength of CLS may well be its longstanding director which, necessarily, comes with transitional challenges.***

By all accounts, the executive director is a prototypical example of what has come to be described as a *servant leader*; it begins with the natural feeling that one wants to serve *first* and then conscious choice brings one to aspire to lead. The executive director came to Colorado in 1971 as a staff attorney with Colorado Rural Legal Services. In time he became a supervising attorney, director of litigation, and then the executive director of the Legal Aid Society of Metropolitan Denver. When the three Colorado legal services programs consolidated in 1999, he was the natural choice as executive director of the newly formed statewide program. As director, he has become the face of CLS by serving on a veritable cornucopia of state and national boards and commissions that address the legal needs of the poor.<sup>6</sup>

It was apparent throughout the team's visit that the executive director leads primarily by example, particularly with regard to the program's high standards concerning a strong work ethic, openness to accountability, and deep commitment to CLS's mission. His vision and passion for the mission resonates throughout the program and inspires a program-wide culture of high quality service and achievement. While some staff felt he sometimes takes too long to make a decision, they appreciated his deliberative process and most often found the ultimate decision to be correct. As indicated by the dozens of honors and awards that he has received, and as mentioned in literally every interview, the executive director is highly regarded by staff, the bar, the judiciary, community partners, and state stakeholders alike.

Leadership of this caliber can also present quite difficult transitional challenges absent timely and adequately thoughtful planning. In that regard, we note that a number of individuals with whom the team spoke expressed concern about the program's ability to continue playing its central role in the statewide network when the current director is no longer available to serve in his present capacity. Recognizing this challenge, the program recently adopted an Executive Director Succession Plan (EDSP), which is a very positive step in addressing this concern. The EDSP adequately covers many important issues such as interim leadership, the composition, functions and staffing of a transition team, the composition and functions of a search committee, and the role and duties of the board in interviewing and hiring, etc. However (like most such plans), it does not address some important additional steps that might be taken well prior to the director's decision to retire or the occurrence of unforeseen events that render him or her unable to continue. Chief among them is the development of key program leaders to assume certain responsibilities that fall exclusively upon the director, and concerted efforts – insofar as they may realistically be undertaken – to preserve and 'transfer' key personal relationships and connections. It was noted that the executive director recognizes the necessity for and the

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<sup>6</sup> Such service has included American Bar Association committees/commissions/task forces on access to justice IOLTA, delivery of legal services, and homelessness; Colorado Bar Association committees/commissions/task forces on access to justice, family violence, availability of legal services, and pro bono; and the Colorado Judicial Advisory Council.

importance of taking these steps and has begun to do so. For example, he is among other things making deliberate efforts to assure that he goes accompanied by one or more members of his management team to major network-related meetings.

***Recommendation IV.2.21.1\**** *The executive director should continue moving forward with internal leadership transition steps that can be taken now to assure the maximum possible degree of continuity in the event of his departure. They include expanding his leadership development activities by identifying key program leaders with whom he might share and, where appropriate, delegate more of the roles he plays both within and outside of CLS.*

**Overall management and administration including, financial administration<sup>7</sup> and human resources administration**

***Finding 22. CLS has a very experienced and capable management team.***

The program's senior management consists of the executive director with 30 years of leadership experience, the director of advocacy who has directed litigation for over 25 years, and the two co-directors of administration and access with 18 and 21 years of legal experience and each with seven years in their current position. While the director of advocacy focuses on the coordination and support for the program's legal delivery system, the co-directors of administration and access are responsible for statewide program policies and procedures regarding client access, compliance with LSC regulations and policies, and oversight of grants management, personnel and technology issues. The controller is also a part of the team on all issues involving finances. Although they do not have set meeting times, the team works closely together and communicates often if not on a daily basis. This senior leadership team is supported by mid-level management which consists of the Denver office unit heads and the field office managing attorneys; half of whom have over 20 years of legal experience. The entire management team, both senior and mid-level, partakes in monthly management conference calls.

***Finding 23. The program's accounting unit, charged with fiscal and human resource matters, while lean, appears to be effective.***

The accounting unit is headed by the controller who has been with the program nine years and in the accounting field for over 30 years. The controller has had extensive training in Sage Accounting and has attended LSC grantee-specific financial seminars. The controller is supported by the assistant controller, who served as the controller for Colorado Rural Legal Services prior to the statewide consolidation and has both a B.A. in accounting and an MBA, and a bookkeeper who has over 30 years of bookkeeping experience. The assistant controller and the bookkeeper also perform various human resources functions.

Though lean in staff, the unit has processes and systems in place to address compliance with funder requirements as well as to guide and oversee the day-to-day operations of the program.

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<sup>7</sup> This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

The program engages in multiyear budgeting and the controller publishes detailed monthly financial statements that are discussed with the finance and audit committee as well as the full board. The CLS Accounting Manual was last updated in 2011 to include, among other things, a detailed description of the cost allocation process and methodology and a revised client trust account policy. The program has routinely received clean audits.

Most human resource policies are codified in the Collective Bargaining Agreement (CBA) between CLS and its union. The current CBA is effective through June 30, 2013. CLS has a comprehensive benefit package. The most recent increase in salary for staff occurred in January, 2010, when all staff received a 5% salary increase. In addition, effective July 1, 2011, CLS added a 2% increase in salary for senior staff who were then capped on the salary scales.

***Finding 24. The program's staff evaluation policy is not adhered to throughout the program.***

CLS policy mandates that middle managers make good faith efforts to evaluate each employee at least once every twenty-four months using the program's evaluative tools. While the interview team found that some staff have been routinely evaluated, this appeared to be more the exception than the rule. There were some offices/units where evaluations simply did not occur and others where only some people have been recently evaluated. Of note, CLS senior management conducted evaluations of all middle management staff in the fall of 2011.

***Recommendation IV.5.24.1 All staff should be evaluated in a timely manner pursuant to the program's evaluation process.***

### **Internal Communications**

***Finding 25. Recognizing the challenge of communications within a geographically expansive program, CLS uses a variety of methods to communicate information to and among staff. There, however, appears to be a need for additional efforts.***

With 14 offices spread over a vast service area, communication to and among staff is conducted through multiple means. General programmatic activities are discussed in the monthly management conference calls with an expectation that managers will pass the information on to their staff. Major developments are often communicated directly from the executive director to all staff through either email or program wide conference calls. For example, in September 2012, all staff were invited to attend one or both of two conference calls to hear and comment on the program's financial situation. Information concerning the team's visit was handled through mass emails. The director of advocacy manages a very active internal listserv, accessible by all CLS case handlers, to communicate information about cases, advocacy projects, legislative changes, and ethical issues. In addition, the senior management team strives to have a member visit each of CLS's offices at least twice per year.

Despite these methods of communication, there is no assurance in some cases that information will be conveyed to staff due to the lack of any on-going formal procedure or one central repository of information. While it is a testament to management that team interviews reflected a staff that generally felt part of one large law firm (no easy feat for a consolidated program),

much of the staff, both in and outside of Denver, felt that internal communication could be enhanced. More often than not, the interest was in what other offices or units were doing. Perhaps the single most effective unifying communicative tool routinely mentioned during team interviews was the bi-annual statewide meeting which, due to budget constraints, was not held in 2012. While understanding the need for the decision, staff uniformly lamented the negative impact that the decision has had upon communication and camaraderie.

***Recommendation IV.6.25.1*** *The program should consider methods to enhance internal communication including an internal web site or other source for the ongoing flow of information and, when resources allow, continue holding statewide meetings.*

### **Technology**

***Finding 26.*** *While CLS has been instrumental in utilizing technology to expand access to justice throughout Colorado, the program has yet to use its internal technology to its fullest potential.*

The CLS technology unit is composed of three staff members who work on special projects, maintain and upgrade program systems, train staff, and trouble shoot issues as they arise. Team interviews reflected that CLS staff found the unit to be quite responsive to their individual needs. The technology unit staff has also been involved in a number of collaborative statewide technology projects. They have worked with the Colorado Supreme Court in developing online court forms and assisted the Colorado Bar Association in enhancing the CBA web site. They have also augmented CLS's own web site with improved information for clients as well as developed the program's online intake system.

Despite the program's commitment to improving the delivery of legal services through the use of technology, not all staff and/or units avail themselves of the program's technological resources; and, there appears to be no requirement that they do so. As more fully described in various sections of this report (with commensurate recommendations), the program's technology is not uniformly used to enhance initial intake, case file maintenance, legal work management, legal supervision, and internal communications.

### **Resource development**

***Finding 27.*** *CLS engages in a multi-faceted and highly successful collaborative approach to resource development utilizing both external and internal sources.*

As opposed to many LSC programs that have a separate resource development staff, CLS senior management is an integral part of a longstanding and extremely effective statewide effort to fund civil legal aid. In response to federal funding cuts in 1981, the Legal Aid Foundation of Colorado (LAF), a separate not for profit organization, was created to fundraise for all of the then existing Colorado legal services programs. As LAF was so successful in its efforts, it continued to fundraise for just CLS when all the programs ultimately consolidated into one. LAF undertakes yearly law firm/attorney fundraising campaigns as well as special events throughout the state. In its 2011/2102 campaign, LAF raised close to \$1.4 million with \$1.25 million going to CLS.



LAF, in turn, has a close working relationship with Colorado's IOLTA program, the Colorado Lawyer Trust Account Foundation (COLTAF); the LAF part-time executive director is also the part-time executive director of COLTAF. Moreover, the executive director of CLS sits on the board of both LAF and COLTAF. In its 2011/2012 fiscal year COLTAF distributed just under \$1.3 million to CLS, as well as various grants to a dozen pro bono programs.

Collaborative efforts in Colorado were further solidified in 2003 with the creation the Colorado Access to Justice Commission; an endeavor supported by the Colorado Supreme Court, the Colorado Bar Association (CBA) and the Statewide Legal Services Planning Group. The Commission's mission is to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. The twenty-member commission includes appointees from the Colorado Supreme Court, the CBA, CLS, COLTAF, LAF, the Governor, and both houses of the Colorado legislature. Both the director and one of the co-directors of administration and access of CLS have been appointed to the state commission and a number of field office attorneys serve on their local access to justice committees.

The beneficial effect of such an expansive collective effort is exemplified by a recent funding decision of the Colorado Supreme Court. At the request of the Colorado Bar Association and the Colorado Access to Justice Commission, the Court ordered the transfer of funds from its Attorney Registration Fund in the amounts of \$750,000 in 2012 and \$750,000 in 2013 to CLS to address the program's significant reductions in federal, state, IOLTA and local funding.

In addition to statewide efforts, CLS staff is also actively engaged in local governmental and agency fundraising. CLS has over 50 separate funding sources including grants from six United Ways, 12 city/county governments, 10 local aging agencies and seven bar associations. While it is becoming increasingly difficult to do so, the program strives to assure that the requirements associated with new funding sources are reasonably consistent with the program's missions and goals. CLS routinely seeks state, federal, and foundation support for high priority and/or emerging areas and has successfully secured grants in the areas of domestic violence, human trafficking, health care, and foreclosure assistance. Most recently, CLS's proposal for low income homeowner's assistance was approved by the Colorado Attorney General's Office, which will provide \$1.5 million over the next three years from Colorado's share of the national mortgage settlement to CLS.

### **Participation in an integrated legal services delivery system**

***Finding 28. CLS not only participates in an integrated delivery system but maintains a leadership role in its implementation.***

As mentioned throughout this report, CLS staff are engaged in numerous activities which coordinate with bar associations, community service partners, and statewide organizations. CLS staff serve on the state Access to Justice Commission as well as the local access to justice committees. Additionally, as part of the Colorado justice network, CLS works with other statewide legal providers including the Colorado Lawyers Committee and the Colorado Center

on Law and Policy. CLS has had over 20 collaborative projects with the former and two of CLS's senior management team serve on the board of the latter. Simply put, CLS's role in the Colorado legal services delivery system is the model to which all programs should aspire.