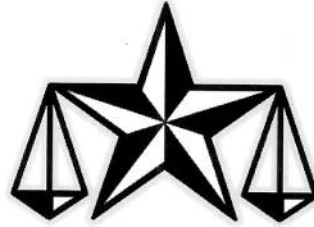


PAUL FURRH, JR.
Attorney at Law
Chief Executive Officer



Lone Star Legal Aid

Houston Address:
1415 Fannin, 3rd Floor
Houston, TX 77002
(713) 652-0077 Telephone
(713) 652-2709 Facsimile

June 14, 2013

Ms. Stephanie Edelstein
Program Counsel
Office of Program Performance
LEGAL SERVICES CORPORATION
3333 K Street, N.W.
Washington, DC 20007

Re: Response to OPP Draft Report on Lone Star Legal Aid

Dear Stephanie:

Please find attached LSLA's response to the OPP Draft Report on Lone Star Legal Aid.

Thank you for all the professional courtesies extended to our staff and board during your visit to Lone Star Legal Aid. We appreciate your work and the effort that went into the draft report. We expect to find the recommendations to be helpful to our joint mission, providing high quality legal services to our clients.

If you need any additional information or clarification of our response, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul E. Furrh, Jr.', with a long horizontal flourish extending to the right.

PAUL E. FURRH, JR.
Chief Executive Officer

PEF:rc

Enclosure: *LSLA's Response to the OPP Draft Report*

**LONE STAR LEGAL AID'S
RESPONSE TO THE
LEGAL SERVICES CORPORATION
OFFICE OF PROGRAM PERFORMANCE
DRAFT REPORT
FROM THE
PROGRAM QUALITY VISIT
February 4-12, 2013**

Response June 14, 2013

INTRODUCTION

The Office of Program Performance of the Legal Services Corporation conducted a Program Quality Visit to Lone Star Legal Aid from February 04, 2013 through February 13, 2013. A 10-member team composed of LSC staff and outside consultants made onsite visits to LSLA offices and conducted telephone interviews of some staff.

OPP submitted a draft report of its findings and recommendations to the management of LSLA on May 14, 2013, and invited the program's comments and response to the draft. In submitting this response, LSLA will focus primarily on the Recommendations in the draft report, using the LSC Performance Criteria format.

DISCUSSION OF FINDINGS

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

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

Recommendation

I.1.1.1.³ * LSLA should conduct a new assessment of legal needs in the service area as soon as time and resources permit.

LSLA Comment: LSLA is taking steps to conduct a new assessment of legal needs in the service area. The protocol and instruments from the 2007 needs assessment have been updated and revised and a schedule and plan for implementation is being developed. We expect to begin collecting data prior to the end of 2013 and present a full assessment to the LSLA Board of Directors by the mid-year 2014.

Criteria 2, 3, and 4. Setting goals and objectives, developing strategies and allocating resources; implementation; evaluation and adjustment.

Recommendation

I.3.3.1: When resources permit, LSLA should undertake a new strategic planning process involving the board, staff, and other stakeholders within the legal services community. The process should include an examination of the most efficient utilization of resources to serve clients in light of recent and projected funding losses, changes in laws, and ongoing or emerging client needs. The plan should include measurable outcomes for activities performed under the plan with timeframes for implementation.

Recommendation:

I.4.4.1: LSLA is encouraged to proceed with its stated intention to routinize the data it provides to funders and to incorporate that data into a report that is generated yearly and could be used for self-assessment purposes.

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

Criterion 1. Dignity and sensitivity (Intake).

Recommendations:

II.1.5.1: LSLA should evaluate its intake system to determine how to make its operations more efficient, effective, and equitable across the service area. LSC recommends that this evaluation be coordinated by a committee representing different offices and staff positions and that it include feedback from staff, clients, and community partners.*

This evaluation should include the following goals:

- a. An intake system that is both seamless and applicant centered, and that minimizes the steps necessary for an applicant to receive service. The intake system should have the capacity to assist applicants at the first point of contact, if appropriate, and to provide advice and brief service as well as decisions on full representation as soon as possible.*
- b. An expanded CIU that conducts the majority of intake for the program and that includes a call distribution system allowing branch offices, or offsite screeners if appropriate, to handle intake calls. As resources permit, CIU hours should be expanded, including to some evening and/or weekend hours.*
- c. An upgraded telephone system that includes an automatic callback (IVR) feature, as well as more advanced queuing that directs calls by area of law. Callers should be provided with recorded information about eligibility and services, and should also be directed to the LSLA website where they could find additional information, links to resources, as well as an opportunity to apply online, if that option becomes available.*
- d. The option of online intake as a way to alleviate the high volume of calls and reduce long waits by providing another access point for potential clients. Online intake could be used to obtain information regarding eligibility and legal problem, and to direct applicants to*

legal information and community referrals.

- e. A requirement that staff enter intake eligibility information directly into the CMS.*
- f. Templates for plain language advice letters that can be adapted to suit an individual's particular circumstances.*
- g. Procedures for obtaining client feedback on intake services.*
- h. On-going training for all staff who conduct intake screening. Training topics should include uniform screening procedures and relevant substantive law.*

I.1.5.2: LSLA should develop an intake manual that describes how the intake system operates and contains policies and procedures as well as resources for referring cases, answers to common questions, and interview scripts to guide intake screeners as they gather information on particular legal issues and make referrals to substantive units.*

II.1.5.3: LSLA is encouraged to assign one person, such as a directing attorney, to coordinate intake throughout the program. That person should be kept informed of intake procedures in individual offices, and should have the authority to recommend adjustments to those procedures.

II.1.5.4: LSLA is encouraged to examine the amount of time spent by paralegals on closed case review, and to determine whether some of their time could be spent more effectively by conducting intake.

II.1.5.5: LSLA is encouraged to use the intake system to determine whether callers have applied for the Earned Income Tax Credit program, or might be eligible for benefits other than SNAP.

II.1.5.6: LSLA is encouraged to assess the efficacy of mailing information to applicants and clients versus using electronic modes of delivery when appropriate.

Recommendation:

II.1.6.1: LSLA should prioritize the types of cases it will accept within its broader priorities and provide guidelines and protocols for how those cases should be handled, including level of assistance to be provided and referrals to other offices or units and to pro bono. These guidelines still could take into account the program's goals of ensuring equity of access through the service area and reducing the number of family law cases. These criteria could be included in the intake manual developed under Finding 5, above.*

LSLA Comment: LSLA is evaluating its intake system and plans to engage a consultant with appropriate experience with intake in large LSC funded programs to assist in conducting the evaluation this summer. LSLA management will name a program wide committee to work with the consultant by the end of June 2013, to make recommendations for enhancement of the intake system as suggested in a. through h.

LSLA is developing an Intake Manual to be reviewed by the committee and consultant in evaluating the intake system and which will include expanded case priorities and case acceptance protocols.

Criterion 3. Access and utilization by the low-income population.

Recommendation:

II.3.9.1: LSLA is encouraged to develop protocols to ensure that responsibilities of bilingual staff are not compromised when they are called upon to interpret.

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

Criterion 1. Legal representation.

Recommendations:

III.1.11.1: LSLA should further its commitment to increase complex and impactful work by ensuring consistent advocacy support throughout the program.*

III.1.11.2: LSLA should develop a legal work management manual to include, at a minimum, clearly defined responsibilities and supervisory protocols for supervisory attorneys (managing attorneys, directing attorneys, litigation directors, directors of litigation), caseload expectations for all advocacy positions, enhanced supervision/orientation procedures for new attorneys, and procedures for review of written work.*

III.1.11.3: LSLA is urged to develop an advocacy manual outlining best practices.

III.1.11.4: LSLA is encouraged to explore the feasibility of creating internal substantive law task forces with associated listservs to be led by the litigation directors or directors of litigation.

III.1.11.5: LSLA should address ways to streamline case file maintenance procedures and intake responsibilities for casehandling staff in order to allow more time for extended advocacy.*

LSLA Comment: LSLA has placed and assigned by office Directing Attorneys and Litigation Directors throughout the service area to ensure consistent advocacy support throughout the program.

Directing Attorneys, Litigation Directors, Directors of Litigation and the Director of Advocacy are developing a Legal Work Management Manual and are developing Litigation Plans for substantive areas and branch offices to ensure consistent advocacy support throughout the program.

LSLA case review checklists are well established management tools that LSLA developed over time to streamline the case review process (see *The Checklist Manifesto: How to Get Things Done Right*). We use checklists to make the reliable management of complexity routine, and thus streamline procedures. Listing case strategies and agreed on next steps with a completion date would be most appropriately noted in the case file within the case management system, not on a checklist.

LSLA assigns and for some years has trained support staff to take increased responsibility in our case management system to free up advocates time. We emphasize a teamwork approach rather than an individual approach, which is a cultural shift for many staff.

Over the years, LSLA has streamlined case file maintenance procedure and intake responsibility for casehandling staff in order to allow more time for extended advocacy. The December 2010, Texas Access to Justice Foundation on-site visit report noted LSLA's measured and appropriate approach to case management and offered some suggestions to streamline procedures, all of which we adopted. The LSC Office of Compliance and Enforcement Lone Star Legal Aid CSR/CMS review of December 2011 went so far as to say their team was impressed with LSLA's case management oversight system and procedures

LSLA will, of course, continue to evaluate and address ways to streamline case file maintenance and intake to allow more time for extended advocacy. LSLA also believes it has a measured and appropriate case management system that is well regarded.

LSLA's goal is to have all staff embrace a culture of enhanced advocacy, enhanced productivity and teamwork, not just individual work. Our goal is to provide high quality legal services to our client in an efficient, yet effective manner. A significant factor for assessing productivity has been LSLA's hurricane disaster experience. A major hurricane will impact a legal aid program's priorities, case loads, and staffing for a minimum of three years based on our experience. LSLA was hit by Katrina and Rita in the fall of 2005 and by Ike in the fall of 2008. Funding for Ike relief ran out in late 2011, and had a major impact on LSLA's priorities, case loads, and staffing through 2012. LSLA has dealt with the impact of major disaster from the fall of 2005 through today and we believe it does have a significant impact on productivity and closed cases.

Criterion 2. Private attorney involvement.

Recommendations:

*III.2.14.1: * LSLA should continue efforts to streamline and coordinate its systems for involving private attorneys, and should ensure that there is effective oversight of those systems.*

*III.2.14.2: * Case acceptance criteria should include guidelines for staff on which cases could be referred to PAI.*

*III.2.14.3: * LSLA is urged to work with HVLP and JCBPBP to explore mechanisms to facilitate referrals, including the potential for direct transfer of referrals.*

III.2.14.4: LSLA is urged to explore additional models for involving private attorneys in its work. Examples that would help LSLA with its overall mission include the establishment and expansion of specialty panels such as those for veterans' cases and for LITC; the use of specialists for co-counseling; and the expansion of clinics through which volunteer attorneys could provide advice to eligible participants.

LSLA Comment: LSLA already makes direct referrals to Jefferson County Bar Pro Bono

Program. LSLA will evaluate its PAI Plan this year to incorporate any LSC revisions to the PAI Regulation, and will incorporate these recommendations in the process.

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

Recommendations:

III.3.15.1: LSLA is encouraged to identify a staff person to coordinate with the Texas Legal Services Center to maintain TexasLawHelp.org and to work with other LSLA staff to better incorporate the resources available on that website into their work.

III.3.15.2: LSLA is encouraged to revise its pro se packets to ensure that they provide clear instructions in plain language at a reading level targeted for the client community.

III.3.15.3: The TexasLawHelp.org link should occupy a more prominent position on the LSLA website and should be accompanied by some indication of the resources it provides.*

LSLA Comment: LSLA has assigned an experienced LSLA attorney to coordinate with the Texas Legal Services Center, TexasLawHelp.org and LSLA staff. LSLA will display the TexasLawHelp.org link on the LSLA website in a more prominent position with a narrative explaining the resources it provides.

Recommendation:

III.3.16.1: All offices/units should be expected to participate in appropriate community organizations or coalitions.

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

Criterion 1. Board governance.

Recommendations:

IV.1.17.1: LSLA should increase its efforts to encourage appointing bar associations in the service area to designate a Latino lawyer to serve on the board of directors. In filling future board positions, LSLA is urged to seek the appointment of a member with financial expertise.*

IV.1.17.2: To improve storage and access to records, LSLA is encouraged to house its board related information and materials on its website or other electronic medium providing secured access to board members.

IV.1.17.3: The LSLA board is encouraged to include input from staff in its evaluation of the executive director.

LSLA Comment: LSLA received an appointment from the Houston Bar Association for a Latino lawyer to serve on its Board of Directors to be seated June 22, 2013 at our next LSLA board meeting. LSLA has two attorney board members with significant financial expertise.

LSLA already stores and provides board member access to board related information and materials on our website.

Criteria 2 and 3. Leadership, management and administration.

Recommendations:

*IV.2.20.1: * LSLA management lines of responsibility and authority should comply with the by-laws, or the by-laws should be amended to conform to the management goals of the program.*

*IV.2.20.2: * LSLA is urged to develop a written succession plan for executive leadership that includes the appointment of interim leadership (for which the by-laws seem to provide), the appointment of a search committee detailing composition by board members, management, and other constituencies, as well as a specific timeline for the process.*

LSLA Comment: The LSLA by-laws referred to were an outdated version from 2005. The current by-laws no longer include referral to “Director of Litigation.” The LSLA Board of Directors will be considering an amended set of by-laws to eliminate reference to the Chief Operating Officer because the position was eliminated with a recent retirement.

The LSLA Board of Directors will also consider a proposed Succession Plan at its June 22, 2013 meeting.

Recommendations:

*IV.3.22.1: * LSLA should implement its 2013 Technology Plan, including upgrading to version 10.x of Practice Manager or another CMS if it is determined that this would be more compatible with future plans, such as online intake. Once the CMS is upgraded, LSLA can upgrade its workstations to Microsoft Office Windows 7 (or 8), and its Citrix programs to current versions.*

*IV.3.22.2: * As resources permit, LSLA should upgrade the VoIP phone system so that it can better support the work of the CIU.*

IV.3.22.3: LSLA is encouraged to expand the role of the technology training coordinator to provide training on other systems and should utilize remote training tools such as webinars.

*IV.3.22.4: * LSLA should implement a protocol for creating electronic cases files and eliminating paper as a way to lower costs, improve access to files, and improve efficiency of compliance checks and other case management reviews.*

LSLA Comment: The LSLA Board of Directors will consider a proposed 2014 Technology Plan that includes these recommendations at the June 22, 2013 board meeting. LSLA already considers limited service cases to be electronic and will develop a protocol to formally acknowledge that fact and set out steps to make all case files electronic.

Criteria 4 and 5. Financial administration and human resources administration.

Recommendations:

*IV.5.24.1: * All staff, including managers, should be evaluated on a regular basis. Evaluations of managers should include a formal system of feedback from staff supervised, directly or indirectly, by the manager. Evaluations of advocates should address issues related to staff productivity -- however LSLA chooses to define that term -- and the quality of written and oral advocacy. Training and professional development should be tied to the evaluation.*

*IV.5.24.2: * LSLA should assess training needs for all staff categories, and should ensure that those needs are being met.*

LSLA Comment: The LSLA management responsibilities for staff evaluations and training were reassigned in March 2013. Staff evaluations and training need assessments will be conducted this year with consideration given to staff productivity and the quality of written and oral advocacy.

Criterion 6. Internal communication.

Recommendations:

IV.6.25.1: LSLA is encouraged to maintain regular, two-way communication with staff in branch offices and units, and to develop additional mechanisms for the sharing of information among offices, among units within offices, and among individual advocate and non-advocate staff based on subject matter or other area of interest. Staffing changes should be communicated to all staff as soon as they occur.

IV.6.25.2: LSLA is urged to convene an in-person meeting of all staff as soon as resources permit.

IV.6.25.3: LSLA should consider using technology such as videoconferencing to promote inter-office communications and permit staff to participate in meetings, such as the litigation meetings.

Criterion 7. General resource development and maintenance.

Recommendation:

IV.7.26.1: LSLA is encouraged to continue to explore creative ways to diversify its funding sources.