

LEGAL SERVICES CORPORATION

Office of Program Performance

FINAL PROGRAM QUALITY REPORT

FOR

California Rural Legal Assistance

Recipient Number: 805260

November 1 – 5, 2010

Team Members:

Chuck Greenfield, Program Counsel (Team Leader)

Tillie Lacayo, Program Counsel

John Eidleman, Program Counsel

Nancy Glickman, OPP Temporary Employee

Carolyn Worrell, OPP Temporary Employee

Cesar Britos, OPP Temporary Employee

Peter Dellinger, OPP Temporary Employee

Claudia Johnson, OPP Temporary Employee

Doug German, OPP Temporary Employee

California Rural Legal Assistance
Draft Program Quality Report
Table of Contents

INTRODUCTION	4
Program Overview	4
Summary of Findings	5

Basic Field Program

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	7
<u>Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs</u>	<u>7</u>
<u>Criterion 2. Setting goals and objectives, developing strategies and allocating resources</u>	<u>8</u>
<u>Criterion 3. Implementation</u>	<u>8</u>
<u>Criterion 4. Evaluation and adjustment</u>	<u>9</u>
 PERFORMANCE AREA TWO: Effectiveness in engaging and serving the low-income population throughout the service area	10
<u>Criterion 1. Dignity and sensitivity</u>	<u>10</u>
<u>Criterion 2. Engagement with the low-income population</u>	<u>11</u>
<u>Criterion 3. Access and utilization by the low-income population</u>	<u>12</u>
 PERFORMANCE AREA THREE: Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area	13
<u>Criterion 1. Legal representation</u>	<u>13</u>
<u>Criterion 2. Private attorney involvement</u>	<u>18</u>
<u>Criterion 3. Other program services to the eligible client population</u>	<u>19</u>
<u>Criterion 4. Other program activities on behalf of the eligible client population</u>	<u>19</u>
 PERFORMANCE AREA FOUR: Effectiveness of governance, leadership and administration	20
<u>Criterion 1. Board governance</u>	<u>20</u>
<u>Criterion 2. Leadership</u>	<u>22</u>
<u>Criterion 3. Overall management and administration</u>	<u>23</u>
<u>Criterion 4. Financial administration</u>	<u>24</u>
<u>Criterion 5. Human resources administration</u>	<u>25</u>
<u>Criterion 6. Internal communication</u>	<u>26</u>
<u>Criterion 7. General resource development and maintenance</u>	<u>26</u>
<u>Criterion 8. Coherent and comprehensive delivery structure</u>	<u>27</u>
<u>Criterion 9. Participation in an integrated legal services delivery system</u>	<u>27</u>

Migrant Program

Table of Contents

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	28
<u>Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs</u>	28
<u>Criterion 2. Setting goals and objectives, developing strategies and allocating resources</u>	28
<u>Criterion 3. Implementation</u>	28
<u>Criterion 4. Evaluation and adjustment</u>	29
 PERFORMANCE AREA TWO: Effectiveness in engaging and serving the low-income population throughout the service area	29
<u>Criterion 1. Dignity and sensitivity</u>	29
<u>Criterion 2. Engagement with the low-income population</u>	30
<u>Criterion 3. Access and utilization by the low-income population</u>	31
 PERFORMANCE AREA THREE: Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area	32
<u>Criterion 1. Legal representation</u>	32
<u>Criterion 2. Private attorney involvement</u>	33
 PERFORMANCE AREA FOUR: Effectiveness of governance, leadership and administration	34
<u>Criterion 1. Board governance</u>	34
<u>Criterion 2. Leadership</u>	34
<u>Criterion 9. Participation in an integrated legal services delivery system</u>	34

INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to California Rural Legal Assistance (CRLA) from November 1-5, 2010. The team members were team leader Chuck Greenfield (Program Counsel), Tillie Lacayo (Program Counsel), John Eidleman (Program Counsel), Nancy Glickman (OPP Temporary Employee), Carolyn Worrell (OPP Temporary Employee), Cesar Britos (OPP Temporary Employee), Peter Dellinger (OPP Temporary Employee), Claudia Johnson (OPP Temporary Employee) and Doug German (OPP Temporary Employee.)

Program quality visits are designed to ensure that LSC grantees provide the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program, including its LSC grant application for 2011 funding, 2009 case service reports (CSRs), 2009 other service reports (OSRs), the numerous documents the program submitted in advance of the visit along with advocates' writing samples, and a survey of CRLA staff conducted by LSC.

On site, the team visited the CRLA's central office and 19 regional offices. In addition to speaking to many CRLA staff members, the team met with or had telephone conversations with a number of CRLA board members, judges, representatives of local government agencies, and representatives of community organizations.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. This evaluation is organized according to the four LSC Performance Areas that cover: (1) needs assessment, priority setting, and strategic planning; (2) engagement of the low income community; (3) legal work management and the legal work produced; and (4) program management including board governance, leadership, resource development, and coordination within the delivery system.

The following report is divided into two sections. One section looks at CRLA's basic field program and the second section reviews CRLA's Migrant Program. CRLA's response to the draft report is attached to this report.

Program Overview

CRLA is headquartered in San Francisco and has 21 other offices throughout the State of California. In addition to the San Francisco office, the program has offices in Lamont, Coachella, Delano, El Centro, Fresno, Gilroy, Madera, Marysville, Modesto, Monterey, Oceanside, Oxnard, Salinas, Santa Barbara, Santa Cruz, Santa Maria, San Luis Obispo, Paso Robles, Santa Rosa, Stockton and Watsonville.

CRLA has a vast service area that covers much of rural California. The program provides a full range of services to a very diverse population. According to the 2000 Census, CRLA's service area has 553,951 persons living in poverty.

The program has a delivery system consisting of limited service, pro se assistance, and full representation. The program has a total staff of 157 employees, including 57 attorneys and 40 community workers. Jose Padilla has been executive director of CLRA since 1984.

CRLA receives a grant from LSC for both basic services and for its migrant program. The migrant program has offices in Coachella, Oceanside, Oxnard, Salinas, Fresno, Modesto, and Stockton. In 2009 CRLA was the single largest LSC migrant grantee and received 23% of all of LSC's migrant funding nationally. The program closed 31% of all migrant cases that closed throughout the country by LSC grantees in 2009.

CRLA's total 2010 projected budget was \$14,682,912, including \$7,948,279 from LSC (\$5,133,448 basic field and \$2,814,831 migrant.) Non-LSC funding totaled \$5,944,254, or 43% of the program's total revenue.

In 2010, the majority of CRLA's 9,893 total closed cases (basic field and migrant) were in housing (39%), employment (19%), income maintenance (18.2%), health (10.6%), and consumer/finance (4.8%).

Summary of Findings

Basic Field Program

CRLA has a rich history of, and continues to bring, highly significant litigation achieving favorable outcomes for its clients. In addition to impact cases, the program provides legal assistance through direct legal representation and limited service in individual service cases. The program enjoys a superb reputation among the bar, judiciary and social services community.

The program has a dedicated and competent advocacy staff, experienced directors of litigation advocacy and training (DLATs) and directing attorneys (DAs.) The program has various legal work management procedures in place to ensure appropriate supervision of staff work and decision making including weekly case review meetings, DLAT case reviews, directing attorney case reviews, open door policies, review of closed cases, and yearly evaluations. The extent of such reviews varies among offices. The writing samples submitted reflected a varying quality of written advocacy and some could have benefited from a more thorough review prior to being submitted in final form. Case Service Report (CSR) data reflects a somewhat limited number of court case closures in basic field offices.

CRLA has developed specific goals, strategies and outcomes for each of its priority areas and implements well-developed strategies to address client needs. The program is currently undergoing strategic planning, and the current goals and objectives are being reassessed throughout this process. The current strategic planning is particularly important given the age of the executive team, the challenges of diminished funding and the relatively high turnover rate of newly-hired staff attorneys.

Clients are treated with dignity and respect. Intake procedures and hours vary by office resulting in dissimilar client access to service. As part of its strategic planning process, the program should conduct an in-depth analysis of its current intake process including but not limited to hours and days of access, telephone capacity, timely rejections, and process of intake. The program may want to consider a subcommittee of the planning group to address the intake process and to determine and develop uniform best practices for all offices.

Program staff reasonably reflects the diversity of the service area and members are culturally and linguistically competent. Program staff regularly interacts with the low-income population. The program is known to, and has the trust and confidence of, major segments of its target population.

The program is accessible to many communities, often times through creative and unique special projects. However at the local office level there are some access issues, including interview privacy, office hours, location, signage, and access for those with physical disabilities.

The program is engaging in various projects to bolster its technology infrastructure. It is addressing the major systems including case management system (CMS), telephony and inter-office connectivity.

CRLA has developed solid relationships with private firms that have led to successful co-counseling relationships with outstanding results for clients. The program appears to primarily limit its PAI activities to co-counseling in complex cases with private attorneys.

The board is involved in major policy decisions and engages in appropriate program oversight. The board of directors has very strong and positive client involvement. The advisory committee approach is a constructive way to enhance client involvement. The board does not evaluate the executive director on a regular basis.

Key program staff provides the program with a strong vision and motivated leadership. The executive director is well respected and considered a strong, inspirational and effective leader by staff, the board, community partners and others. The program has appropriate and capable staffing in all key areas of management. Training and supervision of management staff is appropriate but timely evaluation does not always occur of senior managers. There is some confusion as to lines of communication and areas of responsibility and authority. Some employees expressed uncertainty regarding who has authority over certain duties. For example, there is some question as to the role the DLATs have in the overall program's administration beyond litigation, advocacy and training. There is an issue of a high turnover rate among new staff attorneys. Staff morale is high. Employees feel that they are part of a state-wide law firm. There is a strong sense of collegiality.

Migrant Program

The Migrant Program has excellent leadership. CRLA has developed unique and innovative initiatives to address the needs of migrant workers. Program staff is highly

sensitive to the needs of migrants and farmworkers. CRLA employees are fluent in many languages spoken by migrants and farmworkers. The program is accessible to migrant and seasonal farmworkers by the program maintaining offices at or near where large numbers of farmworkers live, work or travel.

CRLA engages in high-quality advocacy on behalf of its clients, which has led to many successful results for clients. Program advocates are involved in extensive community education. CRLA is actively involved with low-income migrant communities and utilizes a number of creative approaches to reach out to these communities. CRLA actively participates with other legal services providers in the delivery of legal services to farmworkers and has a national reputation as a leading advocate for farmworkers.

I. BASIC FIELD PROGRAM

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.

FINDING 1: CRLA has a well thought out needs assessment and priority setting process which utilizes various mechanisms including the CRLA Priorities Conference, periodic regional office community committee meetings, yearly office meetings, task force meetings and strong relationships with community groups.

CRLA conducts a comprehensive needs assessment every five years. The program's most recent comprehensive needs assessment occurred as part of the CRLA Priorities Conference held in Asilomar, California on May 4 –7, 2008. The conference was attended by CRLA board members, staff, regional office community committee members, and other stakeholders. The program considered data gathered from interviews, focus groups, and meetings with low-income community members, and interviews and meetings with social service organizations, courts, other legal services organizations, the private bar, CRLA staff and board members. Additional information gathered from census data, other legal needs studies, Geographic Information Systems (GIS) mapping, and internal data was reviewed as part of the needs assessment process.

Each of the program's 21 regional offices holds an annual mini-conference to assess local community needs. These annual mini-conferences are part of an effort (a) to assess the actual, most critical, local client needs; (b) to identify local and state patterns regarding those client needs; and (c) to inform the CRLA board of staff's efforts and progress in implementing the board's selected priorities.

The program also periodically commissions reports to provide information on issues critical to client communities. Examples include: a joint project funded by The California

Endowment, CRLA and Policy Link which produced a report entitled “Unincorporated Communities in the San Joaquin Valley: New Responses to Poverty-Inequity, and a System of Unresponsive Governance.” This report discussed community equity issues involving services provided to low-income communities; and a report completed by demographer Rick Mines and a group of private researchers entitled “Demographics of Indigenous Farmworkers in California.”

RECOMMENDATION I.1.1.1¹: CRLA should continue this laudable process of needs assessment and priority setting and routinely assess and assure the inclusion of appropriate stakeholders.

Criteria 2 and 3. Setting goals and objectives, developing strategies, allocating resources and their implementation.

FINDING 2: CRLA has developed specific goals, strategies and outcomes for each of its priority areas and implements well-developed strategies to address client needs. The program is currently undergoing strategic planning, and the current goals and objectives are being reassessed throughout this process. A reassessment of allocation of resources and the need for specialized units or practice concentrations will occur as a result of the strategic planning process.

The program developed specific goals, objectives and strategies at its May 2008 Priorities Conference. At its February 2009 meeting, the CRLA Board adopted the CRLA priorities for the next five years based on the recommendations from the Priorities Conference. The five adopted priorities are: (1) Support for Families; (2) Preserving the Home; (3) Maintaining Economic Stability; (4) Safety, Stability and Health; and (5) Populations with Special Vulnerabilities. Within those priorities the following are emphasized: (1) labor and employment; (2) education; (3) housing; (4) human health and wellbeing. In addition, the program periodically articulates the problems it intends to address and the goals and objectives it seeks to achieve on a project-by-project basis.

CRLA pursues its goals, objectives and strategies through impact and individual case work and through other services such as clinics, seminars, training and community education. The program is reassessing its current goals, objectives, allocation of resources and practice concentrations as part of the strategic planning process.

¹ 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, third recommendation under finding 14. There are two levels of recommendations in this report. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative. Recommendations that are indicated with an asterisk are Tier One recommendation and are intended to have a direct and major impact on program quality and/or program performance.

FINDING 3: A new vision and mission are being developed through a strategic planning process. Staff feels they are involved and included in the strategic planning process.

The program is currently in the process of a strategic planning effort involving staff, the board and key stakeholders in the community. Various committees, including the Strategic Planning Leadership Group and Evaluation and Accountability Team, have been formed and have been actively meeting. Staff members are keenly engaged in the committees, along with board members. The planning effort has several phases, with phase one focusing on examining CRLA's mission. The program has enlisted the assistance of two consultants during this phase.

CRLA has identified the following initial strategic planning drivers: increasing resources (sustainable and reliable); diversifying and expanding institutional giving; expanding and professionalizing the development team; rearticulating and clarifying its mission; examining decision-making and management structures; and enhancing and improving accountability practices and systems. Emerging drivers being considered are: to develop new leadership; to enhance and strengthen existing use of technology; to improve data collection efforts; and to strengthen information management systems.

CRLA undertakes a strategic planning process every four to five years that includes significant stakeholders in an effort to develop and plan strategic priority and advocacy work. Stakeholders include CRLA Board representatives, client community representatives, all CRLA advocates (attorneys, community workers), poverty attorney experts, and other community poverty leaders.

RECOMMENDATION 1.2.3.1*²: CRLA should continue its strategic planning efforts which involve an assessment of current goals, objectives and allocation of resources. The program must respond to the new environment it faces with its senior leadership group reaching retirement in a few years, the recent retirement of the long-term deputy director, a new generation of employees, an expanding client community, and emerging legal issues facing its clients.

Criterion 4. Evaluation and adjustment.

FINDING 4: The program measures its performance against desired outcomes in a variety of ways including regular review of its casework and projects. Evaluation is also currently taking place through the strategic planning process.

The directing attorney of each regional office conducts weekly case reviews; regular task force meetings are held; and a director of litigation, advocacy and training (DLAT) engages in a periodic review of cases and projects of each regional office. Evaluations also

² This is a Tier One recommendation. A Tier One recommendation is one that has the potential for significantly improving program quality and/or program performance within the short-term, i.e., two years.

occur at the annual regional office mini-conferences on local community needs, at the CRLA Priorities Conference, and is currently taking place through the strategic planning process.

Evaluations of the program's services have been conducted by outside entities within the past three years, including by California State Bar Legal Services Trust Fund, the U.S. Department of Housing and Urban Development and The California Endowment.

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

Criterion 1. Dignity and sensitivity.

FINDING 5: Clients are treated on the whole with dignity and respect. Intake procedures and hours vary by office resulting in dissimilar client access to service. Program staff reasonably reflects the diversity of the service area and members are culturally and linguistically competent.

Intake procedures and hours vary by office. A number of offices are open for intake only at designated times. For example, intake in Santa Maria is from 1:30 to 5 p.m.; San Louis Obispo from 1:00 to 5:00 p.m.; Modesto is closed to clients on Wednesdays; and in Oxnard the office doors are locked and the phone is put on voice mail from 9:00 a.m. to 1:00 p.m. on Tuesdays and Thursdays.

Contrary to the nationwide practice of encouraging telephone calls for basic field programs as the initial point of access for potential services, the vast majority of CRLA's intake is by having applicants walk into an office. Eighty percent of intake is conducted through in-person interviews while 20% is over the telephone. Especially in rural areas, this high percentage of walk-ins is unusual and not an efficient practice. In many rural areas in the country, toll free telephone and online intake systems have expanded access for the rural poor.

When first contacted by an applicant, CRLA staff assesses the applicant's need for legal services and communication needs (e.g., language, hearing, and visual.) Intake screeners include all CRLA regional office support staff, community workers and attorneys. Applicants for services who walk into an office or have been scheduled for an appointment are asked to prepare a preliminary hard copy information sheet, available in English and Spanish, which requests initial and basic information, including a statement of the problem. A program employee then interviews the applicant. Each regional office holds weekly staff meetings to decide which cases to accept, what work will be performed and who will be the case handler. Cases that present an urgent situation are reviewed on an emergency basis to determine whether assistance can be provided.

In some offices the receptionists, who do the first interview, reject cases that will not be accepted; in other offices it is the attorney that receives the file and makes this decision; and in still other offices rejections are not issued until following case review. In the later situation this results in a large number of applications being brought to weekly case review

meetings that could otherwise be handled in a much quicker fashion. This delays the applicants from knowing the status of their application for legal services. In addition, for cases that are accepted, the client often does not know the level of assistance that the program will provide until the weekly case review meeting, again delaying a clear understanding of what the program will do for the client for a period of days and sometimes more.

CRLA has a diverse staff. Census results show that 24% of adults and 32% of children speak Spanish at home in California. All 34 CRLA community workers are bilingual in English and Spanish and bicultural, including 7 who are trilingual; 35 out of the 44 lawyers are bilingual in English and Spanish; of the 38 regional clerical support staff, 26 are bilingual and bicultural in English and Spanish. Program services, communications and activities are conducted in a culturally and linguistically competent fashion. CRLA serves clients who speak a wide diversity of languages including: Spanish, Ilocano, Tagalog, Lao, Hmong, Purepeche, Triqui, Farsi, Punjabi, Mixteco Alto, Mixteco Bajo, Zapoteco, Assyrian, Cantonese, Korean, Eritrean, Tigrinian, Vietnamese, Portuguese, Urdu, and Cambodian/Khmer. However, it does not appear that the same level of linguistic capacity that the program has in Spanish and indigenous languages spoken by many farmworkers applies to those who speak other languages in the service area.

RECOMMENDATION II.1.5.1*³: As part of its strategic planning process, the program should conduct an in-depth analysis of its current intake process including but not limited to hours and days of access, telephone capacity, timely rejections, and process of intake. The program may want to consider a subcommittee of the planning group to address the intake process and to determine and develop uniform best practices for all offices.

Criterion 2. Engagement with the low-income population.

FINDING 6: Program staff regularly interacts with the low-income population. The program is known to, and has the trust and confidence of, major segments of its target population. The program has strong working relationships with other legal non-profit, labor and human service department offices, social service providers, and other governmental offices that interact with clients.

CRLA has significant interaction with the low-income population. Examples include the community advisory committees consisting of low-income residents that CRLA has for each field office. The committees usually meet regularly with local CRLA staff to discuss community issues and have representatives on the program's board of directors. Another example is the use of numerous CRLA community workers to make regular contact with low-income communities where they work, live, and are otherwise located. The CRLA Board of Directors has implemented an initiative to support the development of community leaders from low-income communities.

³ Tier One recommendation.

FINDING 7: CRLA conducts outreach activities in Spanish and indigenous languages.

CRLA staff conducted outreach activities in Spanish and indigenous languages, including a special project to promote increased participation in the 2010 U.S. Census by under-counted populations.

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

FINDING 8: The program is accessible to many communities, including through creative and unique special projects. However, at the local office level there are some access issues, including interview privacy, office hours, location, signage, and access for those with physical disabilities.

The program has a vast service area that encompasses major rural areas throughout California. CRLA has chosen to maintain offices located in or close to many rural areas. CRLA's field offices are located in the cities of Lamont, Coachella, Delano, El Centro, Fresno, Gilroy, Madera, Marysville, Modesto, Monterey, Oceanside, Oxnard, Salinas, Santa Barbara, Santa Cruz, Santa Maria, San Luis Obispo, Paso Robles, Santa Rosa, Stockton and Watsonville. CRLA's administrative office is in San Francisco.

CRLA's special initiatives, including the Community Equity Initiative (CEI), Indigenous Farmworker Project, Farmworker Sexual Violence Technical Assistance Project, Proyecto Poderoso, Health Consumer Center of Imperial County, Agricultural Worker Health Project, Rural Fair Housing project, and others, provide additional avenues for potential clients to access the program's services.

The program has some access challenges. As discussed in finding 5 above, intake hours vary considerably among offices. Further, some offices have inadequate locations for private applicant or client interviews. In those offices, intake is being conducted by receptionists in public areas that lack privacy. Other clients or applicants and visitors may be able hear the screening conversation, being conducted either in person or by phone.

In some offices there is inadequate signage and inadequate access for those with physical disabilities. For hearing disabled applicants some offices are using the California relay service during intake, but are not providing sign interpreters for more in depth interviews. There does not appear to be clear and uniform knowledge of what resources or tools can and should be used when hearing impaired applicants request services from an office.

RECOMMENDATION II.3.8.1*⁴: The program should review policies concerning access for applicants and clients, including interview privacy, office hours, location, signage and access for those with physical disabilities, with the goal of increasing access to services for potential and current clients and eliminating barriers to service.

⁴ Tier One recommendation.

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

Criterion 1. Legal representation.

FINDING 9: CRLA has a rich history of, and continues to bring, highly significant litigation achieving extraordinary outcomes for its clients. The program encourages and provides necessary support for the filing of litigation that will affirmatively impact the client population.

The program has a history of being involved in major litigation since its formation in 1966. Many cases CRLA has brought have resulted in significant benefits to client communities. The program is continuing that tradition. An example is the Duroville case, where CRLA successfully represented tenants faced with eviction from a mobile home park located on Torres Martinez Indian Reservation. The mobile home park, with nearly 5,000 residents, was being threatened with closure in an action by the U.S. Government. In 2009, a federal district court judge issued an order preventing the closing of the park. "To close the park under current conditions would create one of the largest forced human migrations in the history of this state," said U.S. District Judge Stephen G. Larson. "Unlike another forced migration in this state's history -- the internment of [Japanese Americans] during World War II -- there is not even a Manzanar for these residents to go."

In Gonzalez v. Laton Water District, the Fresno County Superior Court prohibited the Laton utility district from shutting off water services to numerous private homes and raising sewer and water rates until a hearing could be held to provide residents an opportunity to be heard. The January 2009 ruling favors hundreds of Laton residents --- many of whom are seasonal field workers who have been laid off. CRLA, Central California Legal Services and private counsel represented a number of plaintiffs in this case.

The program also represented clients before the California Supreme Court in two separate wage and hour cases over the past two years. In Arias v. Superior Court, in which the program represented a diary worker, the Court held that an employee may maintain a representative action against an employer in seeking civil penalties under the state private attorneys general act without obtaining class certification. In Martinez v. Combs, where CRLA represented strawberry workers, the Court expanded the definition of employer for companies that use the services of independent contractors, temporary agencies or other similar entities with whom the employer has a close relationship.

CRLA encourages its attorneys to engage in appropriate affirmative litigation when it is deemed to be in the best interest of clients and others in the client community. The four directors of litigation, advocacy and training provide guidance, support and supervision in the development of affirmative litigation.

RECOMMENDATION III.1.9.1: The program is encouraged to continue engaging in significant litigation on behalf of eligible clients that brings positive benefits to client communities.

FINDING 10: In addition to significant litigation cases, the program provides legal assistance through direct legal representation and limited service in individual service cases.

CRLA regularly provides direct legal representation and limited service in individual cases. In 2010, the program closed 7,884 basic field cases, 90% of which were limited services and 10% involved extended representation. In 2009 of CRLA's 8,062 basic field cases closed, 7,420 (92%) were limited service cases and 632 (7.8%) were extended service cases. CRLA's 2009 extended service case work represented 12.9 extended cases closed per 10,000 poor persons as compared to a national median of 57. Nationally, of all cases closed in 2009 by the 136 LSC grantees, 79% of cases were closed after the provision of limited service and 21% were closed after extended representation.

The program does not appear to be publicizing internally and externally the successful results they have achieved on behalf of individual clients in direct service cases. This is different from the recognition and publicity the program provides in major litigation cases that result in significant impact to large sections of the client community.

RECOMMENDATION III.1.10.1: The program should celebrate successful outcomes, including systemic and other changes, brought about through direct service work as well as other work not involving litigation.

FINDING 11: Case Service Report (CSR) data reflects a somewhat limited number of court case closures in basic field offices.

In 2010 CRLA closed 80 basic field cases (1%) by court decision. Another 135 cases (1.7%) were settled with litigation. Nationally among LSC-funded programs, 8.3% of all cases closed in 2009 were by court decision, and 4.8% were settled with litigation. The percentage of cases CRLA closed by court decision and settled with litigation reflects a somewhat limited number of court case closures as compared to the national average. As CRLA points out in comments to the draft report, there may be several reasons why the program's number of court decisions and cases settled with litigation are lower than national averages. CRLA mentions the fact that the program intentionally does not handle the high volume of family law cases (where significant numbers of court decisions occur) as is typical nationally; the existence of favorable alternate state administrative procedures; and settlements achieved as a result of the program's reputation for aggressive advocacy. (See attached letter from program dated April 14, 2011.)

There is some evidence that not all of the program's work is contained in the Case Service Report (CSR) data. It is recognized that CSR data does not always capture the amount of work performed or the results achieved on cases involving significant litigation. Interviews with program attorneys collaborated the limited number of cases resolved through court decisions on individual service cases.

RECOMMENDATION III.1.11.1: CRLA should explore whether extended services, including court representation, in a broader range of individual service cases is being effectively utilized as an appropriate strategy in implementing the program's priorities.

RECOMMENDATION III.1.11.2: The program should seek to ensure that CSR data appropriately reflects all legal work performed.

FINDING 12: The program has a dedicated and competent advocacy staff, experienced directors of litigation advocacy and training (DLATs) and directing attorneys.

The program has very experienced attorneys in the directing attorney and directors of litigation, advocacy and training (DLATs) positions. Three of the four DLATs have been practicing in excess of 20 years. Most of the directing attorneys have more than 10 years experience. Staff attorneys generally have less experience. The program has experienced more frequent turnover in staff attorney positions. Experienced community workers are present in nearly all offices.

Interviews with program staff, judges, government entities and community groups showed that CRLA's advocacy staff is dedicated to their clients as well as the program's mission, and provides competent and effective advocacy.

FINDING 13: Ongoing training is routinely available to all staff.

Employees have training plans developed by the supervisor and the employee that are updated annually. In the past two years, CRLA's attorneys, community workers, and managers received training in advocacy skills, substantive law, technology and cultural competency. Administrators received training in technology and cultural competency and support staff received training in substantive law, technology, management and cultural competency. The program provides in-house substantive and skills-based training through its task forces and work groups. Trainings have been held in the following areas: housing, labor and employment, education, civil rights, family security and public benefits.

Staff also attends substantive and skills-based trainings offered outside the program, including trainings provided by NITA and the Benchmark Institute. Apart from the in-house training provided by CRLA, attorneys are each provided a \$300.00 per year education allowance, community workers/paralegals \$300.00 and clerical workers \$200.00. The program also has an additional educational fund available to staff as well.

FINDING 14: The program has various legal work management procedures in place, including weekly case review meetings, DLAT case reviews, directing attorney case reviews, open door policies, review of closed cases, and yearly evaluations to ensure appropriate supervision of staff work and decision making. The extent of such reviews varies among offices.

CRLA requires that opening and closing memos be prepared; significant written work including briefs and pleadings be reviewed; new attorneys be accompanied to hearings and

trials; case acceptance meetings be held along with regular case reviews, electronic case reviews, and supervisory review at time of case closing. Moot appellate arguments are frequently held.

Weekly case acceptance meetings are held during which a decision is made as to the level of assistance to be provided. The directing attorney assigns each accepted case to a case handler, after considering the employee's expertise and current case load. Each directing attorney is required to oversee caseloads, office intake, case files, pleadings, client trust accounts, and all other work undertaken by staff members assigned to that office.

A DLAT is assigned to each regional office and usually has quarterly meetings with office staff to review ongoing cases. In some offices, each open case is reviewed by the DLAT during this meeting. Between meetings, the DLAT is available to provide advice and co-counseling assistance to staff attorneys and directing attorneys. Each DLAT also has a substantive law specialty (labor and education; labor; housing; migrant) and often assists with cases in those areas throughout the program.

Any affirmative case, appeal or amicus brief is required to be approved by all DLATs. The executive director approves appeals or amicus. Any request for affirmative litigation needs to be accompanied by a "Litigation Assessment Plan" that contains the legal analysis, the law, and the causes of action. A proposed complaint is then drafted for consideration.

Each office completes a Periodic Advocacy Review (PAR) every four months and submits it to the DLATs. This procedure, which has been recently implemented, entails a review of all cases in an office and is placed into Legal Server, the case management system. The intent is to look at cases and strategies and to require employees to think strategically. It is essentially a four-month office work plan, looking back over the past four months and forward for the next four months.

The current strategic planning effort includes an Evaluation, Assessment and Training (EAT) committee that is in the process of reviewing how to evaluate staff performance and supervision.

RECOMMENDATION III.1.14.1: The Evaluation, Assessment and Training (EAT) portion of the strategic plan should include uniform best practices for effective supervision and review of staff work.

FINDING 15: Numerous resources, both human and technological, are routinely available to staff. Many offices routinely access volunteers, student interns and summer law students to assist in the delivery of legal services.

Many CRLA offices effectively utilize volunteers to assist in their operations. Student interns, summer law students, volunteer attorneys, and others devote substantial time to the program.

FINDING 16: The program enjoys a superb reputation among the bar, judiciary and social services community.

Judges, community groups, social services agencies, private attorneys and others who were interviewed uniformly praised the work of CRLA and its advocates. Comments were received from judges about CRLA attorneys selecting meritorious cases, making appropriate legal arguments, and the overall effectiveness of the advocacy. Representatives from community groups discussed the importance of their partnership with CRLA and the reputation the program has for effective advocacy. Private attorneys discussed the enjoyment they have had in taking pro bono cases from the program and in co-counseling with the program.

FINDING 17: The writing samples submitted reflected a varying quality of written advocacy and some could have benefited from a more thorough review prior to being submitted in final form.

Writing samples from each advocate were reviewed. Many were excellent, well written and persuasive. Some were good and appropriate for the forum. Some were not as well written and clearly could have benefited from more thorough review prior to being submitted in final form.

FINDING 18: The program effectively uses substantive task forces to share ideas, train staff and identify issues.

CRLA has substantive task forces in labor, education, housing, and public benefits. The task forces meet regularly with the exception of the public benefits task force, added in 2008, which met infrequently in 2010. A DLAT usually oversees the task force in his or her area of expertise. The purpose of the task forces, which focus on most of the program's priorities, is to share ideas, train staff, identify issues, and collaborate on cases.

RECOMMENDATION III.1.18.1: The program may want to consider extending in-house supportive assistance for all of its priority areas including health and family well being.

FINDING 19: The program is engaged in various projects to bolster its technology infrastructure. It is addressing the major systems including case management system (CMS), telephony and inter-office connectivity. The tech team is knowledgeable and conducts regular technology training. There are existing needs for a program-wide phone system, an easily accessible electronic brief bank and a Wiki, which is in development and requires staff training.

The program's technology department consists of an IT director, a systems administrator and a help desk support/project manager. All three employees are located in the Fresno office. Each CRLA office has its own web connection and its own phone system. The tech team is laying the foundation to connect the offices data infrastructure via T1 lines. Once that data infrastructure is laid out, they will attempt to improve the phone system. The plan is to connect the offices via a network before March 2011.

Each office has an independent phone system with no ability to transfer calls from one office to the other. Because each office has a separate telephone system, receptionist duties cannot be shared during lunch or high peak hours or during sick leaves or vacations. Client calls cannot be transferred from one office to another.

Telephone costs in the budget appear to have been high in the past year, with a cost of over \$220,000. The program is acquiring new phone sets, phone systems and operator consoles, and installing them on an office-by-office basis. Currently there is no plan to integrate these phone systems into a law firm wide system of call routing and integrated administrative/receptionist duties.

The program uses Legal Server case management system, which is web based and allows staff to access a program-wide database enabling firm-wide conflict checking. While there is weekly backup of critical data, there is no daily back up of each office's server/network. However, the tech team is moving to resolve this situation.

There is no electronic brief bank accessible to all staff. The program is currently working on developing a Wiki to share information. Even though the tech team considers the Wiki project to be almost completed, a number of employees do not seem to be aware of the new tool and resources made available on the Wiki. The Wiki is not integrated into the case management system and it is unclear if it will be included in an intake module of the case management system to facilitate use. A new litigation manual is being developed with plans to make it available electronically in a centralized location. The program is using Sharepoint for electronic availability of administrative forms.

The supervision of the technology team appears unclear. The tech team works mostly independently and decisions on technology that may impact litigation and case handling are done by the Central office, often apparently at a slow pace. There has been no direct attorney liaison to the tech team to guide its activities. Recognizing the need to improve the connection between technology and the program's advocacy, CRLA has recently decided to create a new position, the director of litigation and information technology (DLIT.) The purpose of the position is to connect technology with advocacy and to provide stronger support and supervision.

RECOMMENDATIONS III.1.19.1: The program should continue working on expanding its technological capacity, including moving towards a unified phone system, improving connectivity and finalizing the: (1) Wiki; (2) litigation manual; and (3) electronic brief bank.

Criterion 2. Private attorney involvement (PAI).

FINDING 20: CRLA has developed solid relationships with private firms that have led to successful co-counseling relationships with outstanding results for clients. The program appears to primarily limit its PAI activities to co-counseling in complex cases with private attorneys. The program-wide PAI coordinator wears multiple hats and is also a full-time directing attorney.

CRLA has a program-wide PAI plan that is updated annually in consultation with county bar associations, women and minority bars, specialty bars, the courts and networks of attorneys. Each regional office also develops a local PAI plan that is tailored to address the specific, unmet legal needs, resources, opportunities and challenges in its respective service area. The annual plan incorporates aspects of the local regional PAI plans. The program's PAI effort is coordinated by the directing attorney of the Madera office who has multiple other responsibilities.

Thirty-seven pro bono attorneys participated in CRLA's pro bono program in 2009. Eighteen new pro bono attorneys were recruited that year. It appears that some of the efforts of volunteer attorneys were not always reported as work on PAI cases. For example, the work of a volunteer attorney in the San Luis Obispo office does not appear to be reported.

Much of CRLA's pro bono program focuses on co-counseling with private attorneys in complex cases. Several pro bono attorneys specifically mentioned regularly co-counseling with the program, constructive sharing of work with CRLA attorneys as well as positive relationships with the program. CRLA also uses pro bono attorneys in individual cases and in some legal clinics. The PAI activities at the regional offices vary.

Examples of successful cases that involved pro bono co-counsel include Martinez v. Meridian Apts., where a mother and her two children successfully sought enforcement of the Federal Fair Housing law to prevent racial harassment against their African American family in a subsidized housing complex and Castellanos v. Las Casitas, where six families successfully resolved a habitability and relocation benefit case against a housing complex.

RECOMMENDATION III.2.20.1: As part of its strategic planning process, the program should consider additional ways to utilize pro bono attorneys such as for workshops and clinics.

RECOMMENDATION III.2.20.2: As resources allow, the program should consider hiring a full-time PAI coordinator in order to create additional pro bono opportunities.

RECOMMENDATION III.2.20.3: The program is encouraged to include and report all volunteer attorney work on pro bono cases as designated PAI cases.

Criteria 3 and 4. Other program services and activities to the eligible client population.

FINDING 21: The program actively and creatively engages in other services to the community, including community legal education, through a variety of innovative projects.

CRLA is actively involved in providing other services to low-income communities in the program's service area. Those services include community education, partnerships with other organizations and pro se assistance to individuals. Examples of innovative projects and activities include: the Community Equity Initiative (CEI); the Health Consumer Center of El

Centro; the relationship with Spanish-speaking radio stations and media; the use of community workers; the client leadership development program to empower participants to advocate on their own and their community's behalf; and support for capacity building to the non-profit organizations.

The Community Equity Initiative (CEI) primarily assists residents of unincorporated communities ("colonias") in the San Joaquín Valley. Most of these communities lack running water and sewer systems.

CRLA conducted an education and outreach project in connection with the 2010 Census. The program also partnered with JBS International on a research project to evaluate 2010 Census coverage in rural California and the impact of CRLA's own education and outreach initiative. A report of the study entitled, "2010 Census Enumeration of Immigrant Communities in Rural California: Dramatic Improvements But Challenges Remain," was completed in November 2010.

RECOMMENDATION III.3.21.1: CRLA should consider expanding its Community Equity Initiative (CEI) to other counties in its service area.

FINDING 22: CRLA has self-help clinics for unlawful detainer and small claims that benefit clients and the courts while removing the intake burdens at program offices. It appears that in some counties there is no extensive engagement with local bar associations.

CRLA offices provide pro se assistance to individuals in proceedings in state Courts, before the Labor Commissioner and other administrative agencies. The Stockton and Fresno offices operate self-help clinics at the courthouse for unlawful detainer and small claims. The Stockton clinic assists 200-300 people per month. Nearly 3,000 people have been served through October 2010, a 40% increase from last year. In providing pro se assistance, the program does not appear to be significantly involved with local bar associations.

RECOMMENDATION III.3.22.1: The program should consider reevaluating the benefits of a strong relationship with local bar associations.

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

Criterion 1. Board governance.

FINDING 23: The board is involved in major policy decisions and engages in appropriate program oversight.

CRLA has a 45-person board of directors, including 27 attorneys. The board meets quarterly. The meetings, three of which are held in Northern California and one in Southern California, are usually scheduled so that committee meetings are held the evening or day before the board meeting. Meetings sometimes are scheduled to coincide with fundraising

events. The standing committees include executive, audit, client advisory committee (Comité de Comités), finance, long range planning, and executive director evaluation. Other committees or subcommittees are formed as needed. There has not been a problem in reaching a quorum for meetings, as usually 20-30 board members are in attendance.

The chair, a former CRLA attorney, has been chair of the board for the past eight years. There are ten members on the executive committee. The executive committee meets before each board meeting and at least an additional two times each year. Financial reports, showing budgeted amounts, actual expenditures and income, variances and explanation for variances as of two months prior to the meeting are provided to the executive committee and full board prior to each meeting. The audit committee meets two to three times per year. They solicit bids for an auditor, select the auditor, and are involved in entrance and exit conferences with the auditor. The program does not provide monthly financial reporting to the board or any of its committees.

The board members receive extensive packets prior to each meeting with financial, case, and media information. In addition, the packet contains prior board and committee minutes and drafts of any matters that need to be specifically approved. Board materials, including minutes of past meetings, are in English and Spanish. Staff often presents information about specific cases at board meetings. While board members sometimes visit program offices, some of the offices have not been visited by a board member for a significant period of time.

New attorney board members receive little formalized orientation. New client eligible members usually undergo an orientation program. The program is in the process of preparing board training materials, in English and Spanish.

The program has an executive board secretary who is responsible for transcribing the minutes of board meetings from tapes and translating them from English into Spanish. She also translates staff reports, including human resources and finance, for board packets. She also prepares the board packets, makes logistical arrangements for board meetings and often communicates with board members.

Major policy issues considered by the board over the past year include: long range planning; fund development; the 2011 budget; appropriate fund balance; and changes in state funding. There are plans to get the board more involved in fundraising. The board appears to exercise appropriate program oversight. Board members are actively engaged in the strategic planning process and are clearly committed to the program's ability to successfully pursue its mission.

RECOMMENDATION IV.1.23.2: The program should consider using enhanced technology to educate and inform the board, including having board packets in electronic form and placing the packets and other information on a Wiki to be shared with the board.

RECOMMENDATION IV.1.23.3*⁵: The program should develop an orientation program for all new board members.

⁵ Tier One recommendation.

FINDING 24: The board has very strong and positive client board involvement. The advisory committee approach is a constructive way to enhance client involvement.

Client eligible members are active participants at board meetings and meet before board meetings to go over the agenda and to discuss local activities. The program supports client eligible members by paying for a day's wages when they miss work due to meeting. Ninety percent of client eligible members speak Spanish only. As a result, an effort is made to make the meeting more comfortable for client eligible members. The board meetings are mostly held in Spanish with simultaneous translation into English.

A client advisory committee (Comité de Comités), consisting of client eligibles and client eligible alternates, has been established in cooperation with each regional office. The committees are active in most regional offices and CLRA employees regularly meet with their committee to discuss issues affecting the local low-income communities and to conduct legal education.

FINDING 25: The board does not evaluate the executive director on a regular basis.

The board does not regularly conduct a performance evaluation of the executive director. The board last evaluated the executive director in 2005.

RECOMMENDATION IV.1.25.1*⁶: The board should evaluate the executive director on a regular basis.

FINDING 26: It appears that board membership may not include persons with different types of expertise that could prove helpful for the program.

CRLA's board has members who are attorneys, eligible clients, persons selected by nonprofit organizations, and a financial expert who is a certificated public accountant. These members bring specific and valuable experience to the program.

RECOMMENDATION IV.1.26.1: The program may benefit from having some board members with expertise in other areas, such as resource development and public relations.

Criterion 2. Leadership.

FINDING 27: Key program staff provides the program with a strong vision and inspired leadership. The executive director is well respected and considered a strong, inspirational and effective leader by staff, the board and many community partners.

⁶ Tier One recommendation.

CRLA's executive director is widely regarded as an effective, inspirational and thoughtful leader. Staff, board members and community partners were uniformly of this opinion. The four directors of litigation, advocacy and training provide strong, creative and experienced leadership to the program as well and often operate as a managing committee at a large private law firm. Leadership, decisions, and direction in substantive case matters come from the DLATs with the assistance of the executive director. Employees throughout the program, regardless of position, were clear about the program's mission, goals and objectives.

FINDING 28: While opportunities for promotion are limited, opportunities for professional development exist through training and involvement on special initiatives. The program is working on a succession plan.

CRLA's executive director, the DLATs and many of the directing attorneys have significant experience and have mostly been in their positions for many years. As a result, opportunities for promotion are somewhat limited. The program does provide leadership opportunities by allowing involvement in special initiatives and programs. The program provides support for employees to attend professional development trainings, internal and external, such as NITA and the Benchmark Institute.

Based on the age of key leadership staff, at some point in the future new leadership will take over. The program is currently working on developing a succession plan.

Criterion 3. Overall management and administration.

FINDING 29: The program has appropriate and capable staffing in all key areas of management. An appropriate portion of resources are allocated to administrative roles.

CRLA's management structure consists of the executive director, four DLATs, controller, development director, human resources director, information technology director and a directing attorney at each regional office. The management team in the central office, which previously met regularly, does not currently meet as a group. The DLATs meet bi-weekly with the executive director. Each DLAT meets approximately quarterly with the directing attorneys in the offices for which they have responsibility. The directing attorneys meet two to three times a year with the executive director, DLATs, project directors, and development director in attendance.

RECOMMENDATION IV.3.29.1: Management staff in the central office should meet regularly.

FINDING 30: Training and supervision of management staff is appropriate but timely evaluations of senior managers do not regularly occur.

Supervision of directing attorneys by the DLATs occurs on a regular basis. Supervision of DLATs by the executive director also occurs regularly. Training opportunities

exist for management employees as well. Performance evaluations of senior managers, including some directing attorneys, do not regularly occur.

RECOMMENDATION IV.3.30.1*⁷: Performance evaluation of senior managers should occur on a regular basis.

FINDING 31: Management is doing an excellent job of identifying the areas that need to be resolved and improved and are using innovative ways to do so.

Program management has identified areas of weakness and made strides to address those challenges. Examples over the last few years include: the implementation of a program-wide accessible case management system, assisted by an LSC Technology Innovation Grant; the creation of a new director of litigation and information technology position to develop strategies to connect advocacy with technology; and the creation of a development department to substantially increase donations.

FINDING 32: There is some confusion as to lines of communication and areas of responsibility and authority.

Some employees expressed uncertainty regarding who has authority over certain duties. For example, there is some question as to the role the DLATs have in the overall program's administration beyond litigation, advocacy and training.

Criterion 4. Financial administration.

FINDING 33: The program has a highly professional fiscal staff, including an experienced controller, an assistant controller, and two accounts payable/payroll managers.

CRLA's fiscal staff is comprised of a controller, assistant controller, and two accounts payable/payroll managers. The controller has an MBA in finance, has previously worked as a controller or assistant controller with CLRA, another nonprofit organization and a local government, and has been in his current position with CRLA since 2002.

Separate budgets are prepared for the basic and migrant programs. Each individual office has a budget. CRLA has in excess of 30 funding sources. The program has a \$1.3 million fund balance, which is as a result of a planning effort initiated in 2003 to have a \$1 million fund balance within 5 years. CRLA's accounting manual was last updated in June 2009 when a revision was inserted concerning investment policy. The program uses Microsoft Dynamics accounting software, including the modules for accounts payable, check writing, cash manager and general ledger.

RECOMMENDATION IV.4.33.1*⁸: The program should submit monthly financial reports showing actual and budgeted expenses, variances and cash on hand to the audit committee in

⁷ Tier One recommendation.

⁸ Tier One recommendation.

accordance with the requirements of the Accounting Guide for LSC Recipients (2010 edition.)

RECOMMENDATION IV.4.33.2*⁹: The program should revise its accounting manual in accordance with the 2010 revisions to the Accounting Guide for LSC Recipients.

FINDING 34: Financial management reports displaying actual, budgeted, variances, explanations and projections are submitted to the board prior to each board meeting.

The controller provides financial reports to the board one week in advance of bi-monthly board meetings of actual, budgeted, variances, explanations and projections. He also provides an oral report on finances at each board meeting. Financial management reports are reviewed regularly by the chair of the audit committee, who is a CPA. The controller and the chair speak regularly about program financial matters.

Criterion 5. Human resources administration.

FINDING 35: The program has a capable HR staff that responds timely to requests and needs.

The human resources department consists of a human resources director, associate director and human resources coordinator. The human resources director has worked for the program for the past 13 years. She is responsible for recruitment, personnel records, benefits, labor relations, oversight of some of the technology and of coordination with payroll. Personnel records are kept under lock and are not in electronic form. Telephone exit interviews are held for each staff member who departs employment. Employees in the department respond to requests in a timely and professional manner.

FINDING 36: Evaluations occur for most of the staff on a timely basis.

Employee performance evaluations normally occur each year. Evaluations did not occur last year. This year's evaluation process has started. Evaluations begin with an employee self assessment, followed by meetings between the employee and his or her supervisor, then followed by the supervisor's written comments.

FINDING 37: There is a high turnover rate among new staff attorneys.

While CLRA has experienced long-time employees working in many positions, the program has experienced a high turnover rate for new staff attorneys. This has resulted in an experience gap between the experienced attorneys and some recently hired staff attorneys. Starting attorney salaries, while recently increased, are still considered low at \$42,000 per year.

RECOMMENDATION IV.5.37.1*¹⁰: The program should consider raising attorney salaries to help stem the high turnover rate among staff attorneys.

⁹ Tier One recommendation.

FINDING 38: The program’s recruitment efforts are effective and creative.

CRLA uses a variety of approaches to recruit new staff attorneys, including the use of benefits, such as a loan repayment assistance program (LRAP) of \$4,750 per year and loans for fees for bar exam fees and bar review courses, as well as eight weeks of paid leave to study for the bar exam. If the attorney stays for one year after bar admission, one half of all loans, including bar fees and bar review course costs) are forgiven. If the attorney stays for a second year after bar admission, the remaining loans are forgiven. The program also has special programs to attract potential staff attorneys, including recently starting a mentoring program for law school summer interns.

FINDING 39: Staff morale is high. Employees feel that they are part of a statewide law firm. There is a strong sense of collegiality.

The results of the anonymous staff survey and interviews of staff show that morale is high. Employees are committed to the mission of CRLA and feel a sense of connection with the program and each other. Employees feel they are part of a single law firm.

Criterion 6. Internal communication.

FINDING 40: Internal communications are generally good. Staff feels free to communicate throughout the firm. There were no expressions of feeling “left out of the loop.”

CRLA has no one person in charge of internal communication. The primary means of communication within the program is by email, which regularly occurs. There is no regular internal newsletter. Monthly staff updates are circulated by the human relations department. As part of the current strategic planning effort, a strategic planning newsletter is distributed by the director of human resources within five days of meetings. The program’s task forces have list serves.

Criterion 7. General resource development and maintenance.

FINDING 41: A resource development initiative is taking place with innovative approaches and high aspirations. The effort is well staffed by people with outstanding expertise.

CRLA has recently implemented a development department, consisting of a development director, a development officer for individual giving in Northern California and a development officer for individual giving in Southern California. The program currently receives approximately \$250,000 in annual giving which has been achieved through an annual solicitation letter, a donor envelope sent with the annual report, donation opportunities with the monthly CRLA Rural Justice Updates sent to supporters and available online, and

¹⁰ Tier One recommendation.

through regular Tardeadas (afternoon party) fundraising events. During 2010, Tardeadas were held in San Francisco, Los Angeles and San Diego. Local committees are formed to help organize each Tardeada. The Tardeada held on September 19, 2010 in San Francisco had 180 people attend and raised approximately \$80,000. In addition, CLRA has a *cy pres* program resulting in the receipt of a number of awards over the past two years and a planned giving program, Voices for Change Circle. The program also plans to have a series of small-scale donor receptions in more rural areas.

The program is currently working on establishing a resource development plan which may result in major changes to the culture and structure of the organization. In 2009, the finance and long range planning committee of the board began the process of multiyear planning and has focused on a five year development and fundraising plan. CRLA received a \$75,000 grant to assist in implementation of the plan. Current discussions by the program include the development of new and different major funding sources, development of a major donor program, and development of a system to keep track of case outcomes through the case management system.

Criterion 8. Coherent and comprehensive delivery structure.

[This criterion covered in other sections.]

Criterion 9. Participation in an integrated legal services delivery system.

FINDING 42: CRLA regularly participates in regional and statewide efforts to expand and improve legal assistance delivery systems. The program also participates in statewide planning efforts to improve access to justice for client communities.

CRLA's executive director is a past chair of the project directors group, comprised of all 11 executive directors of LSC funded programs in California. The group coordinates statewide activities of the LSC-programs, including, funding opportunities, staff training, statewide website, and legal services delivery. CRLA's recently retired deputy director was vice-chair of the Public Interest Clearinghouse and board member of the Legal Aid Association of California (LAAC). He also participated in statewide coordination among both LSC-funded and more than 70 non-LSC funded legal services programs in California. DLATs participate in the statewide Directors of Litigation section of the LAAC and are involved in statewide meetings among litigation directors from LSC and non-LSC funded legal services programs in California.

In cooperation with other legal aid programs, CRLA has worked with the State Bar, Judicial Council, and Access to Justice Commission to raise language issues, fee waiver standards, interpreter ethics issues, handicap access issues, hours of availability and court forms.

II. MIGRANT PROGRAM

(The following findings are particular to CRLA's migrant program.)

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.

MIGRANT FINDING 1: CRLA has engaged in a focused assessment of the needs of migrant workers.

In addition to the process employed and sources considered for the basic field needs assessment, CRLA, in assessing migrant needs, also took into account David Bacon's seminal research documenting the living conditions of indigenous farmworkers and demographer Dan Villarejo's findings in "The Challenge of Housing California's Hired Farm Laborers." (2008.) Further, each migrant office annually completes a work plan.

Criterion 2 and 3. Setting goals and objectives, developing strategies, allocating resources and their implementation.

MIGRANT FINDING 2: CRLA has developed unique and innovative initiatives to address the needs of migrant workers.

The program identified 400-500 unincorporated communities ("colonias") in the Central Valley and many communities in the Coachella Valley that lack safe living conditions, such as lack of potable water and sanitation. The program has created the Community Equity Initiative (CEI) to assist these communities in their annexation/incorporation efforts. It is staffed by two attorneys and two community workers.

In the Coachella Valley, the program has engaged in groundbreaking litigation and partnered with private law firms and local government entities to successfully achieve large-scale improvements in farmworker housing, health and safety conditions.

The Migrant Program identified on the job sexual assault/harassment as a pressing issue for farmworkers and made it one of their priorities. The program has also focused on emerging needs of particularly vulnerable farmworker populations, such as indigenous farmworkers, by pursuing a claim of sexual harassment on behalf of an indigenous female farmworker and by collaborating with the EEOC in bringing employment discrimination litigation. The Farmworker Sexual Violence Technical Assistance Project is spearheaded by CRLA in partnership with three advocacy groups: Esperanza: The Immigrant Women's Legal Initiative of the Southern Poverty Law Center; Lideres Campesinas; and the Victim Rights Law Center. CRLA co-sponsored a training event for advocates in July 2010 in Boise, Idaho

entitled, Ending Sexual Violence Against Farmworkers funded by the Office on Violence Against Women. As a result of its efforts, CRLA is considered a leader in the country in advocating on issues of sexual assault/harassment of farmworkers.

The program is cognizant of, and has addressed emerging needs, of farmworkers, such as by increasing its advocacy in the area of unemployment compensation and through litigation on behalf of dairy workers. Twelve migrant farmworkers died of heat stroke last year. In response, the Migrant Program made heat stroke prevention through education and field monitoring a priority of its outreach work. In addition, CRLA has recently initiated an informal project targeting the legal problems of onion workers, many of whom work in the evenings when health and safety issues are more likely to occur due to insufficient lighting.

MIGRANT RECOMMENDATION I.2.2.1: The program is encouraged to continue the Community Equity Initiative (CEI) expansion efforts and collaboration with other programs with similar projects in neighboring regions.

Criterion 4. Evaluation and adjustment.

MIGRANT FINDING 3: CRLA is engaged in a strategic planning process that takes into consideration the needs of migrant workers.

Evaluation and assessment of results, and adjustment of delivery systems and consideration of innovative advocacy approaches, are all part of an ongoing process. This process, including a review of the Migrant Program, is part of the broader strategic planning that is currently underway at CRLA.

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

Criterion 1. Dignity and sensitivity.

MIGRANT FINDING 4: CRLA staff is highly sensitive to the needs of migrant farmworkers.

A significant number of the Migrant Program staff are from farmworker families and have done farm work themselves. They have strong roots in the communities they serve. Employees are sensitive to cultural needs of indigenous farmworkers. For example, CRLA staff noticed cultural bias on the part of a Spanish-speaking interpreter against an indigenous client at a Labor Commission hearing, called it to the attention of the hearing officer, and got the interpreter replaced.

The program exhibits sensitivity to the clients' individual circumstances by frequently meeting with clients outside of normal business hours in order to accommodate clients' work schedules. Staff often engages in community education activities on weekends and in the evenings. During on-site interviews, representatives from community organizations frequently praised CRLA staff for their responsiveness to clients' legal problems.

MIGRANT FINDING 5: CRLA migrant employees are fluent in many languages spoken by migrant farmworkers.

Practically all staff members are bilingual in English and Spanish. CRLA also has in-house language capacity in the major indigenous languages spoken in their service area, such as Mixteco Alto, Mixteco Bajo, Triqui, and Zapoteco. The program has six community workers on staff of either Mixteco or Triqui origin who provide linguistically and culturally appropriate services. The program thereby cultivates trust among these communities.

MIGRANT FINDING 6: CRLA engages in affirmative language access advocacy on behalf of clients.

CRLA has engaged in affirmative language access advocacy for many years. For example, a commissioner at the state Department of Industrial Relations recalled that CRLA sued the Labor Commission 15 years ago for not providing interpreters at the pre-hearing meetings (*Martinez v. Division of Labor Standards*.) He further noted that their advocacy in this area has continued. For example, one CRLA attorney filed an Office of Civil Rights complaint recently due to the lack of Spanish-language agendas at the Oxnard School Board meetings.

MIGRANT RECOMMENDATION II.1.6.1: Only one out of the six indigenous community workers (CW) speaks Triqui, serving a significant Triqui population. The program should consider hiring an additional Triqui-speaking CW, and, if feasible a Purepeche-speaking CW.

Criterion 2. Engagement with the low-income population.

MIGRANT FINDING 7: CRLA is actively engaged with low-income migrant communities and utilizes a number of creative approaches to reach out to these communities. Program advocates engage in extensive community education.

CRLA's migrant staff engages in extensive outreach and provides educational presentations on pesticides and heat stroke at community gatherings. The Migrant Program has a large collection of printed materials in Spanish for distribution to clients, including brochures on housing, pesticides, wages, and heat stroke.

The program's *Proyecto Poderoso* utilizes Spanish language *radio novelas* on Radio Bilingue to increase awareness of problems faced by farmworkers who may also be gay, lesbian, bisexual or transgender.

CRLA has community committees (called "comités") composed of client-eligible members who meet regularly, inform priorities of the regional offices, and even report on unlawful employment practices and abuses of farmworkers. Comité members help to identify issues and next steps in addressing them by legal means. The program also conducts outreach to H2A workers to assist them in ensuring they are legally paid the wages they are due, that

their working conditions are appropriate and that they have legal recourse if they are retaliated against by their employers.

Community education activities include: presentations to client groups; maintaining booths at fairs attended by farmworkers; and attendance at festivals. The Oceanside office has monthly community meetings called “juntas generales” for clients and members of community organizations during which topics of interest to the client community are discussed (e.g. employment rights). Both community workers and attorneys, to a lesser degree, participate in community education activities.

CRLA has an impressive field monitoring project that regularly checks for conditions and practices that negatively impact the health and safety of farmworkers. Field monitors check for adequate shade and water (especially during periods of high temperature), access to toilets, and sufficient breaks where temperatures exceed 80 degrees.

CRLA’s Migrant Program attorneys are members of the Mexican-American Bar Association.

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

MIGRANT FINDING 8: The program is accessible to migrant and seasonal farmworkers by maintaining offices at or near where large numbers of farmworkers live, work or travel.

CRLA’s Migrant Program employees are located in offices in Coachella (6 employees), Oceanside (5), Oxnard (5), Salinas (10), Fresno (9), Modesto (1) and Stockton (2.) They are professionally, culturally and linguistically competent. Program advocates travel to and meet with clients outside of normal business hours in order to accommodate clients’ work schedules. The program has an 800 telephone number(s) and staff use cell telephones, thereby permitting farmworkers to reach them outside of normal business hours. The program enhances its visibility through its field sanitation monitoring project, making the program’s presence known to farmworkers and maximizing accessibility.

The program engages in effective outreach and advocacy to the client community through frequent and periodic community meetings. These meetings often include the participation of governmental agency and other community organization staff who assist in informing and educating farmworkers about their employment rights and workplace safety requirements. The meetings are typically well attended. The program engages in effective outreach by community workers fluent in indigenous languages, who are able to educate and inform significant numbers of "hidden" and traditionally neglected groups of indigenous farmworkers.

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

Criterion 1. Legal representation.

MIGRANT FINDING 9: The program engages in high-quality advocacy on behalf of its clients.

Interviews with advocates, a review of writing samples submitted, and interviews with judges, labor commissioners, and staff of organizations serving the same client population reflect that advocates are highly skilled, advocate vigorously on behalf of their clients, and are professional in their dealings with opposing counsel, judges, administrative law judges and state agencies. CRLA advocates obtain positive results for clients and suggest innovative remedies to the court in crafting solutions to clients' problems. Program attorneys have also obtained large verdicts and settlements in many EEOC cases filed on behalf of farmworkers.

CRLA advocates in many areas of law that affect farmworkers, including employment, housing, education, language access, health/environmental (pesticides and water quality), discrimination (sex discrimination, sexual harassment, disability, retaliation), education, and immigration relief for farmworkers who are victims of crimes or violence.

The program has a talented and linguistically and culturally competent corps of farmworker advocates. Advocates, attorneys and community workers are deeply committed to and passionate about their work.

CRLA has many experienced farmworker law advocates on staff that mentors newer advocates through co-counseling in major litigation. They frequently are presenters/trainers at state, regional and national training events/conferences. CRLA advocates analyze legal issues from a 360 degree perspective (e.g. litigation, policy advocacy, private bar involvement, administrative advocacy) and plan appropriate strategies to achieve client objectives. Newer attorneys interviewed are self-starters who are not afraid to litigate but also appropriately seek guidance from more experienced attorneys.

CRLA makes creative use of legal theories and crafts innovative remedies (for example by bringing unfair business practice lawsuits and intervention (for example, in the Duroville evictions) to achieve maximum possible benefits for the largest number of affected clients.

Migrant Finding 10: CRLA provides its advocates with ample training opportunities.

CRLA offers training opportunities for Migrant Program staff, including: attendance at the National Farmworker Law Conference; trainings by state agency personnel (DOL-OSHA co-sponsored Latino Health and Safety Conference); immigration trainings on U and T visas; trainings at program-wide meeting (Asilomar); webinar/on-line trainings (e.g. Medi-Cal state recovery training); task-force meeting trainings; cultural sensitivity training

(Frente Indígena Oaxaqueña Internacional training by a USC professor and Legal Aid Foundation of Los Angeles attorneys.) Advocates are allocated an annual training budget to use at their discretion. There is a pool of unused funds for those who exceed their allowance.

Migrant Finding 11: The program supervises legal work by using a variety of approaches including periodic case reviews, weekly case acceptance meetings and co-counseling arrangements. Performance evaluations are not conducted uniformly for all staff.

Supervision of legal work occurs through periodic case reviews by most but not all supervisors during weekly case acceptance meetings, during daily discussions of cases among advocates in smaller offices, through other methods such as co-counseling of cases and sometimes through less formal means such as an “open door” policy.

Directing Attorneys (DA) provide good supervision of staff attorneys and community workers. The Migrant DLAT is very involved in co-counseling with staff attorneys and DAs. He carries 2-3 of his own cases and is co-counsel in approximately 80 cases program-wide. The recent creation of a migrant regional director of advocacy position, supervised by the Migrant DLAT, to alleviate the DLAT’s heavy load is a very positive step to help maximize the Migrant DLAT’s effectiveness. The Migrant DLAT reports to the executive director, but receives no formal evaluation from the executive director.

Formal performance evaluations of staff attorneys, community workers and support staff are conducted yearly by DAs pursuant to the union contract. At least one manager stated during the visit that many of the questions on the evaluation form are not applicable to the work to be evaluated.

MIGRANT RECOMMENDATION III.1.11.1: CRLA should consider providing a better performance evaluation process for migrant staff, tied to an annual individual written work plan.

MIGRANT RECOMMENDATION III.1.11.2*¹¹: CRLA should establish a formal, written evaluation process for the executive director to evaluate the Migrant DLAT and should thereafter conduct regular Migrant DLAT evaluations.

Criterion 2. Private attorney involvement (PAI).

MIGRANT FINDING 12: CRLA regularly co-counsels with pro bono attorneys in farmworker cases.

The expertise and leverage of the private bar is often utilized by CRLA through co-counseling with private attorneys in farmworker cases. One private attorney interviewed said that he has co-counseled with CRLA for 10 years on farmworker cases and finds it “hard to say no to CRLA” when they request his assistance. Members of the private bar are

¹¹ Tier One recommendation.

encouraged to participate in community education activities and the visit team staff interviewed at least one private practitioner who had done this.

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

Criterion 1. Board governance.

MIGRANT FINDING 13: There is significant migrant representation on the CRLA Board of Directors.

Some of CRLA's attorney board members have migrant backgrounds and several client board members have ties to the migrant farmworker community as well.

Criterion 2. Leadership.

MIGRANT FINDING 14: There is strong and inspirational leadership of the Migrant program. The program is working to develop future mid and upper-level management leaders with the Migrant Program.

All persons interviewed about the executive director had enormous respect and praise for him. As a leader, he appears to be both inspirational and a motivating force for staff. The visit team heard a fair amount of praise as well for the DLAT for Migrant and for the other DLATs.

MIGRANT RECOMMENDATION IV.2.14.1: The Migrant DLAT does not provide input in the written evaluation of the executive director. The program should consider a periodic written evaluation process of the executive director that includes direct input from the DLATs.

Criterion 9. Participation in an integrated legal services delivery system.

MIGRANT FINDING 15: CRLA actively participates with other legal services providers in the delivery of legal services to farmworkers and has a national reputation as a leading advocate for farmworkers.

CRLA is a model for farmworker programs nationally. CRLA has many experienced migrant advocates who are active, engaged, and highly respected members of the national farmworker advocacy community.