

PERFORMANCE AREA ONE

- Finding 1: No comment
- Finding 2: No comment
- Finding 3: No comment
- Finding 4: No comment
- Finding 5: No comment
- Finding 6: No comment
- Finding 7: No comment

PERFORMANCE AREA TWO

Criterion One

- Finding 8: No comment

Criterion Two

- Finding 9: No comment

Criterion Three

- Finding 10: No comment

Finding 11: ILS is a statewide organization with eight main branch offices. Each office has devised an intake system that is considered most responsive to its clients based on the resources available, volume of demand and the experience and skill level of the intake workers. Two ILS offices make extensive use of volunteers to assist in the intake process. Arguably, that makes those two offices more resourceful and ILS does not experience an outlay of funds to pay for their services. Necessarily, the more experienced the intake worker is with manipulating Legal Files, the more efficiently and effectively an intake application can be processed. I spoke with a highly-skilled intake paralegal experienced with Legal Files and he suggested that he can complete an intake application directly into Legal Files within seven minutes. Volunteers may not be able to do it that way but intake applications processed by volunteers are still, arguably, an efficient way to do it. ILS would agree that it's preferable to complete the intake application at the first point of contact with the applicant. However, to better manage human resources at ILS, intake hours are limited to certain days of the week. During those hours, the volume of calls increases. Consequently, a wait time results for callers. Therefore, clients are asked if they prefer to be called back. Virtually always, the client requests a call back and, as a courtesy to the client, a call back appointment is scheduled. To avoid this system of call backs, a new battery of intake workers would need to be hired to handle the high volume of calls. Cueing is a possible response, but if clients are given a choice, from our experience, they often would rather be called back. Not all applicants are called back. Some applications are processed at the time of the call. Some can't wait to be called back because they have an emergency; other clients with emergencies may be called back but always on the same day of the initial call. Other clients request a call back that may be three week hence because it accommodates their schedule. In the ILS South Bend office, appointments are handled by half of the intake staff with the remainder of the intake staff available for emergencies and for the wild card system, created for callers who choose not to make an appointment.

The South Bend managing attorney states that, in her judgment, “This system meets the needs of clients; it gives them the option of waiting for a return call or having an appointment.” The South Bend managing attorney also states, “Emphatically, there were no handwritten applications waiting to be entered into Legal Files [on the day of the OPP visit] and that, again, when that occurs, it involves a delay of only one day maximum.” I have reviewed LSC Program Letter 2002-4 regarding the Characteristics of a Telephone, Advice and Referral System. The Program Letter grew out of ideas about best practices as they relate to a centralized intake system. I would submit that ILS has eight centralized regional intake systems—one operating in each of the eight branch offices serving multiple counties. As the Letter suggests, LSC does understand “one size does not fit all.” For a three-year period (late 1990s/early 2000s), ILS experimented with a pilot statewide centralized intake project. That project was viewed as a failure for reasons I need not go into now. Needless to say, the main drawback to the project was that local branch offices lost touch with their local communities, social services and government providers and local referral sources—important to high quality delivery. Everyone at ILS would agree that there is a need to improve our intake system to comply with uniform standards that makes consistent the treatment of clients, thereby, assuring fair and equitable treatment to all applicants.

Finding 12: No comment

Finding 13: At the time attorneys and paralegals (casehandlers) are employed with ILS, they sign a document indicating that contemporaneous timekeeping is a condition of their employment. The signed timekeeping acknowledgement forms are kept in their personnel files. Approximately, 75 employees work at ILS as casehandlers. All of them have been trained on how to use Legal Files. Approximately 90% of those casehandlers consistently enter their time as required by 45 C.F.R. 1635. Legal Files is used by all employees and the most hardworking casehandlers with the heaviest caseloads even use the clock feature which provides the most accurate timekeeping accountability. If Legal Files is allegedly “unavailable”, thereby preventing casehandlers from doing contemporaneous timekeeping, why do most all casehandlers complete their timekeeping in a compliant way?

Finding 14: I’m not sure how you were able to conclude that, “some offices do not have a sufficient number of incoming and outgoing phone lines currently.” That requires analysis using telephone traffic studies which I don’t believe you did. Anecdotal observations, such as busy signals, do not provide the necessary information for analysis. Previous traffic study analysis indicated that each regional office outside of Indianapolis needed nine lines and one fax line – which is what each office has. The Indianapolis office has 32 lines. The addition of more phone lines to support a greater volume of calls does not address the obvious question—does ILS have sufficient human resources to handle the additional volume with the consequential result of more intake applications and the need to provide additional legal assistance to eligible clients?

Finding 15: No comment

Finding 16: No comment

Finding 17: No comment

PERFORMANCE AREA THREE

Criterion One

Finding 18: No comment

Finding 19: No comment

Criterion Two

Finding 20: No comment

Finding 21: This finding relates to the Indiana Pro Bono Commission and its structure—over which ILS has no authority and, therefore, limited influence. If you make this finding, you should make it clear that ILS is not responsible to assure the accountability of the local judicial district pro bono plans. If there is inadequate coordination between ILS and the local pro bono plans, it's precisely because of what you say—the districts are independent and free to devise their own system. This is not uniformly true however. The judicial district 4 & 5 plans are co-located in the ILS Lafayette office. The same is true for judicial district 8 which is co-located in the ILS Indianapolis office. In both offices, the services are highly coordinated. The judicial district 13 pro bono plan, located in Evansville, perhaps offers the best example of coordination with the ILS Evansville office. In fact, the judicial district 13 pro bono plan administrator worked with ILS to see passage of the filing fee waiver for indigent statute in the last session of the legislature. Initially, when we opened the ILS Fort Wayne office in 2002, we arranged to have the judicial district 3 pro bono plan co-located in that office which worked well until they unilaterally decided to move out. The same was true for judicial district 14 in the ILS New Albany office until they chose to move to their own location.

Criteria Three and Four

Finding 22: No comment

Finding 23: No comment

PERFORMANCE AREA FOUR

Criterion One

Finding 24: No comment

Criterion Two

Finding 25: ILS has a leadership transition plan adopted by the ILS Board in 2007. It was provided to LSC prior to the OPP quality visit. To the uninitiated, a reader would conclude that ILS does not have a transition plan. Therefore, you must mean that the existing plan is inadequate – in other words, not “comprehensive.” I have reviewed transition plans posted on the LSC LRI and find that the ILS plan is quite similar to those except for the details spelled out in the LRI posted plans. ILS will make its existing plan more comprehensive.

Finding 26: No comment

Criterion Three

Finding 27: No comment
Finding 28: No comment
Finding 29: No comment
Finding 30: No comment

Finding 31: To the best of my knowledge, all ILS offices perform conflict checks with Legal Files. I spoke to one ILS managing attorneys and his response was, “How else would you do it?” If there are manual systems to do conflict checks, it’s in addition to the use of Legal Files. The ILS South Bend office, for example, still conducts manual conflict checks with Kemps Cases which was the case management software program used by that office prior to the merger and reorganization with ILS in 2001–2002. That office believes it is necessary to do conflict checks for applicants that may have been served prior to 2001 and there’s no way to integrate Legal Files with Kemps. I am informed that the ILS South Bend office has created parallel manual systems to process intake applications. The ILS South Bend office makes extensive use of volunteers in the intake process. The South Bend volunteers do find Legal Files to be more difficult to use than Kemps Cases and, consequently, first record the intake application data on paper which is then transferred into Legal Files. There is the suggestion that the volunteers worry that Legal Files will freeze during the intake process which will, thereby, cause all of the data entered into Legal Files to be lost. While it is double-entry, it’s done by volunteers without personnel cost to the organization and no “real” time contemporaneous timekeeping required of the volunteers. The only other office that does this is the ILS Bloomington office but it’s not because of “outages and malfunctions” with Legal Files. It’s for the same reason—the ILS Bloomington office makes extensive use of Indiana University student volunteers. All of the other offices complete intake applications directly into Legal Files without having concerns about outages or malfunctions. Admittedly, at times of high usage, Legal Files, which is web-based, may run slowly—which is frustrating. A review of possible upgrades to Legal Files will be completed to address this frustration.

Criterion Four

Finding 32: No comment

Criterion Five

Finding 33: The ILS administration office has been sensitive to the issue of equity between branch offices since the merger and reorganization in 2001. You state, “Morale is affected by inconsistent policies across branch offices and lack of uniformity with branch offices practices.” Since that statement is relatively vague, do you mean that the ILS administration office treats branch offices inconsistently or that disparate treatment is practiced by the ILS administration office towards different branch offices? If that’s what you mean, I would categorically deny that statement, especially as it refers to ILS policies. ILS administration equitably and fairly implements policies. If you mean there is a lack of uniformity of certain practices between the branch offices, I would agree to the extent that 1) ILS strongly supports the notion of regionally-based branch offices’ delivery systems in response to the regional needs of clients which materially impacts resources, and 2) branch

offices do have their own non-uniform practices that respond to their own staff needs such as skill level, experience, etc. I would suggest that your finding has more to do with the perception that branch office staff has with the ILS administration office than with actual adverse, non-uniform treatment by the ILS administration office towards any specific branch office.

Criterion Six

Finding 34: Although you make no recommendations here, I, the executive director, acknowledge that staff and management meetings do not happen regularly. They do, however, happen on an ‘as needed’ basis. In my judgment, the staff and managers appreciate that practice and view it as respect for their time. Soon after the events of merger, it was decided, at the urging of the managers, to meet only when necessary. Our statewide program has to be careful when it schedules meetings which, necessarily, tax organizational resources and the precious time of its busy employees. Two of our offices are two and one-half hours away from Indianapolis; another two offices are three hours away; one office is four hours away. While time and resources can be saved using videoconferencing or telephone conferencing, the same practical considerations have to be given to staff time and resources when compared to the need or importance of the meeting.

Criterion Seven

Finding 35: The executive director is very active in bar association activities, especially those that inure to the benefit of ILS. Through his engagement with the Indiana State Bar Association and the Indiana Bar Foundation, he was personally able to enlist their support for their joint funding and assistance in conducting a two-year legal needs study which was concluded in July 2009. The study, among other recommendations, concluded that there is a need to create an Indiana Access to Justice Commission which will, if created and implemented, provide a platform for much greater collaboration with providers, state government, the legal profession and judiciary to impact the development of many more resources for ILS and other legal aid providers. The time put into this effort was enormous and has the potential for creating new funding and other forms of support. This activity alone had a high profile and generated a lot of publicity in press releases, new stories, focus group meetings and bar journal articles. This collaborative effort will also lead to a greater partnership between ILS, the ISBA and IBF which will positively impact ILS’s ability to address issues of mutual concern.

Criteria Eight and Nine

Finding 36: No comment