



# Inland Counties Legal Services

## Executive Office

1040 Iowa Avenue, Suite 101 / Riverside, CA 92507-2106  
(951) 368-2530 / (951) 368-2542 Fax

### Housing Law Services Center - Housing Hotline

*Eligibility screening and  
legal help over the phone.*  
(951) 368-2570  
(888) 455-4257 - Toll Free  
(951) 368-2550 - Fax

### Branch Offices

1040 Iowa Ave., # 109  
Riverside, CA 92507-2106  
(951) 368-2555  
(951) 320-7500 - Seniors  
(888) 245-4257 - Toll Free  
(951) 684-1901 - TTY  
(951) 368-2550 - Fax

82632-C Highway 111  
Indio, CA 92201-5632  
(760) 342-1591  
(760) 347-5303 - Seniors  
(800) 226-4257 - Toll Free  
(760) 775-3114 - TTY  
(760) 342-9400 - Fax

715 N. Arrowhead Ave., #113  
San Bernardino, CA 92401-1150  
(909) 884-8615  
(909) 888-3889 - Seniors  
(800) 677-4257 - Toll Free  
(909) 381-0274 - TTY  
(909) 884-8281 - Fax

10601 Civic Center Dr., # 260  
Rancho Cucamonga, CA 91730-7604  
(909) 980-0982  
(909) 476-9252 - Seniors  
(800) 977-4257 - Toll Free  
(909) 476-7875 - TTY  
(909) 980-4871 - Fax

14196 Amargosa Rd., # K  
Victorville, CA 92392-2429  
(760) 241-7073  
(760) 241-7072 - Seniors  
(888) 805-6455 - Toll Free  
(760) 843-9814 - TTY  
(760) 241-2111 - Fax

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501c(3) corporation.  
Donations are welcome.  
IRS Tax ID 95-6124556

*Irene C. Morales  
Attorney at Law  
Executive Director  
(951) 368-2540  
imorales@icls.org*

September 3, 2010

Mr. Chuck Greenfield  
Program Counsel III  
Office of Program Performance  
Legal Services Corporation  
3333 K Street, NW 3<sup>rd</sup> Floor  
Washington, D.C. 2007-3522

Re: Recipient No. 805230  
Response to LSC Program Quality Visit  
Draft Program Quality Report (May 24-28, 2010)

Dear Mr. Greenfield:

Thank you very much for your kind extension of time to respond to the draft report. The team visit provided ICLS with valuable feedback and insight that I believe will assist ICLS in its strive for excellence in providing clients with quality legal assistance.

### Program Overview

1. 71 employees, including 24 attorneys and 17 paralegals. (Page 4)
2. Senior administrative assistant/PAI subgrant manager (Page 4)
3. **2009 Closed Cases:** The numbers and percentages of 2009 closed cases are accurately stated with the exception of the percentage of cases closed through Limited Action. The percentage was 42.8%, calculated by



*Inland Counties Legal Services pursues justice and equality for low income people through counsel, advice, advocacy and community education, treating all with dignity and respect.*

4. dividing the total number of Limited Action cases (4,637) by the total number of closed cases (10,836). (Page 4)
5. **Comment on Cases Closed:** In 2009, the 10,836 cases closed consisted of 6,145 Basic Field and 4,601 PAI cases.

When the legal work accomplished by ICLS staff is differentiated from work accomplished through the LSC approved Subgrantee pro bono programs, ICLS staff closed a high number of cases as a result of Extended Services.

- A. Of the 2009 closed cases, 6,145 cases were Basic Field, which included 1,269 cases (20.7%) involving Extended Service. One out of every 5 LSC Basic Field eligible clients received service beyond Advice and Counsel and Limited Actions. A total of 1,638 Basic Field closed cases (26.7%) involved Limited Services. The remaining 3,238 cases (52.6%) were closed with Counsel and Advice.
- B. There were 4,691 PAI closed cases: 2,999 cases (64%) were Limited Service; 1,395 (29.7%) were Counsel and Advice and 297 (6.3%) were Extended Services.

The ICLS Basic Field Program and the LSC PAI Program were designed to work together to meet the legal needs of a diverse clientele residing in a geographically expansive service area and facing multiple access barriers, including lack of transportation, lack of affordable housing, linguistic and cultural differences, etc. Through the Basic Field grant, ICLS provides a full range of legal services, providing legal assistance to clients within the program's priorities, selecting appropriate cases for extended services. Not all clients have a legal need or legal basis for extended services. For many, Counsel and Advice suffices and in fact empowers educated clients to assert their legal rights and access their legal remedies. Other clients lack the ability or resources to prepare their own legal documents but can navigate the civil justice system when their documents are prepared and they receive counsel and advice on the applicable substantive and/or procedural law.

The LSC-approved PAI Subgrant Model was designed to increase the direct delivery of legal services to a high volume of eligible clients residing in ICLS's expansive geographical area. All three existing Subgrantee organizations have successfully met this goal for more than 30 years under the auspices of local bar associations which sponsor and encourage private attorney involvement. There is one large law firm in the ICLS Service Area, several mid-sized, a substantial number of two to five attorneys firms; however the vast majority is sole practitioners. As a result, the Subgrantee model is designed to provide high levels of Counsel and Advice and Limited Actions. Volunteer attorneys will donate time at evening legal clinics without making extended commitments. Furthermore, ICLS's "self-owned evaluations" prepared in

connection with the State of California Legal Services Trust Fund Program's funded projects has confirmed that when provided good legal advice and document preparation, self-represented litigants achieve successful results.

### **Summary of Findings**

(Page 5) In 2009, at the request of the Board President, the Executive Director prepared a 5 page "self-evaluation" outlining accomplishments and setting goals. In December, 2009, the full Board considered and acted upon the evaluation presented by the Board President and Vice-President.

### **Findings:**

ICLS submits these comments on some of LSC's Findings:

1. We agree that additional work in the area of remote access needs to be done and that the technology manager needs assistance. Following your visit, in July, ICLS began a formal desk audit of the resource needs in the technology department.
2. ICLS will review its requirements and procedures for pro bono programs and strive to identify areas where the process may be streamlined.

The subgrants receive LSC's prior written approval. ICLS relies on LSC's written guidance for the subgrant content and form. Reference the October 13, 2009, LSC Memorandum from Karen J. Sarjeant, Vice-President for Programs and Compliance re "Subgrant Agreements for 2010: Requests for Approval." ICLS's additional requirements are written consistent with the Standard Provisions which basically hold ICLS responsible for providing oversight.

LSC has required that services provided be an effective and efficient use of resources. ICLS does not require "monthly" case numbers, but does track Subgrantee progress quarterly and provides that information to the subgrantees. Based upon a long oversight history, it is ICLS's position that setting numerical case closure goals, as to volume and level of services, is necessary to assist ICLS in demonstrating the effective and efficient use of subgranted resources. In addition to the written Subgrant Agreement, LSC requires the submission of a Subrecipient Profile with total number of cases closed; subgrant amount and identification of oversight activities to monitor and evaluate the work and activities of subrecipients.

As stated in the LSC Memorandum, 45 CFR Section 1627.3 makes ICLS responsible for ensuring the proper spending of subgranted funds, to make sure they are accounted for and that they are audited. The requirement of monthly financial reports is in the LSC-approved PAI subcontract. This requirement is responsible fiscal oversight. It

helps both ICLS as well as subgrantees. ICLS's controller, a licensed California CPA, reviews the monthly financial reports and documentation, and disallows questionable expenses prior to year end or gets more adequate documentation from the Subgrantee. This assists our audit review of contract expenses. Without this type of fiscal oversight, ICLS could very well pay for disallowed expenses and, at year end, discover, that cumulatively disallowed expenses for three subgrantees results in ICLS failing to meet the 12.5% PAI LSC regulatory requirement. This is not a risk that ICLS is willing to take.

ICLS requires monthly financial statements from such Subgrantee. This assists in our oversight and had demonstrably assisted subgrantees who have run into problems when they have had executive director turnover. For example, based upon the financial reports received, or not received, ICLS assisted one subgrantee in rebuilding their files, financial as well as program. ICLS also helped another Subgrantee with their substantial audit issues when executive director turnover and changes in accountant services left the Subgrantee initially with unauditable files and a lack of financial knowledge and history. Both of these incidents occurred within the past 5 years.

ICLS also requires that subgrantees submit monthly CSR data on a disk. The PAI Subgrant managers runs reports to identify CSR compliance issues. Again, it has been our experience that absent this oversight, situations have occurred where ICLS has expended substantial resources of its program legal managers to engage in case compliance review and corrective action. This has been done with all subgrantees within the last few years.

All California non-profit organizations are required to have Board minutes taken and approved by the Board. It is not a burden to require subgrantees to copy and include the Board minutes in their monthly reporting packages. The minutes are read by ICLS. We discovered by reading Board minutes of one Subgrantee that it was planning to move its offices and were able to timely communicate with the Subgrantee of its reporting responsibility for changes under the Subcontract. We learned that the executive director of another Subgrantee had terminated employment. We then initiated contact with the subgrantee's Board of Directors for the status of program management. The ICLS executive director met with the interim director and provided assistance. The PAI Subgrant Manager as well as Controller also provided assistance.

When these situations occur, and we become aware of them, ICLS offers assistance to subgrantees. ICLS needs all subgrantees to be successful because the pro bono programs are essential to meeting the overwhelming demands for legal assistance by clients.

3. ICLS is committed to training its staff on understanding the diverse nature of the low income population to better serve their legal needs.

#### **4. Finding No. 6: Intake System**

ICLS is a community-connected legal services program with many challenges: a 27,000 square mile service area, lack of transportation in many areas, a staggering 15.5% unemployment rate (among the highest in the nation), one of the hardest hit areas in the nation with mortgage foreclosures (and resulting evictions of tenants residing in foreclosed properties), a state that is in severe financial crisis and continues to reduce or eliminate benefits programs for the poor (such as IHSS and CalWorks), and a poverty population with a growing number of legal immigrants with language, cultural and other barriers.

ICLS believes that extensive outreach is essential for eligible clients to access services. Most of the outreach is part of non-LSC project funded work, e.g. Title III-B, HUD, state Equal Access funds.

ICLS has a physical presence and conducts outreach intake throughout its service area at more than 50 different sites on a regular basis, including 28 senior citizen centers, a dozen homeless centers in San Bernardino County, 2 domestic violence “one-stop” family justice centers, 8 different courts and 2 agencies.

ICLS will continue to improve its intake system, including the telephone answering protocols and completing the intake manual.

One of the recommendations is for ICLS to consider eliminating the written client application. First, whether an applicant is applying for legal services in person at the office or on outreach, it is important that the applicant provide information directly and *in their own words*. It is helpful to see how the client perceives the problem. Sometimes there is no legal problem. Query whether an intake worker might identify a legal problem when one does not exist.

It is important particularly in view of the diversity of the client population. Not all applicants will verbally disclose private information; some will only write it down. Second, when the applicant has written the information down, and the information turns out to be incomplete or untrue, the client signed that it was true. This is not the same when being asked by someone inputting data into a system who then prints out the intake application, hands it to the applicant and asks for the applicant to read it and sign it. In fact, ICLS learns that an applicant is illiterate by reviewing the application or giving assistance when asked. When handed a completed application to read and sign, the applicant is put on the spot: disclose illiteracy or simply sign their name. Additionally, at this time, there is a lack of resources to hire intake personnel to do database entry.

**Finding number 6** suggests that there is a solution to problems such as “restricted intake times and long lines in some instances” and goes on to state that the use of the written application is not clear and that it “seems unnecessary”. Restricted intake times are necessary to manage the branch offices as available resources allow as advocates are often away from the office in court, at hearings, at outreach sites or conducting community legal education.

**5. Finding No. 8:**

(Page 9) The Elder Law team has regularly met quarterly. Many of the same staff are on the Public Benefits Team. Since the LSC visit, these teams have decided to hold joint meetings. The Housing team has met irregularly, mainly due to schedule conflicts. However, housing law attorney as well as paralegal advocates have regularly attended the Joint Riverside and San Bernardino County Bar Associations Landlord-Tenant Section dinner meetings which alternate between counties. These meetings have provided an opportunity for housing advocates to receive training and to network with other program advocates as well as the private bar. The meetings are monthly except during the summer.

Although “practice area” team meetings have not occurred regularly in 2010, in their place, ICLS initiated Attorney Roundtable Meetings which met monthly since March, 2010. These meetings have focused on litigation skills building and have provided an opportunity for program attorneys to meet and discuss various issues in their practices.

**6. Recommendation 3.81:**

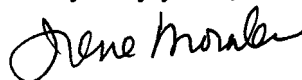
With regard to the litigation budget, a key fact missing from the draft report is that in California, the California Shorthand Reporters Board reimburses ICLS for depositions for low-income legal services clients. Almost all of our clients have their court fees waived due to their indigency. A budget is a plan on how funds will be expended based upon prior experience. ICLS has not denied appropriate requests for the use of litigation funds, and the budget allocation has not been a barrier to approval.

- The litigation budget is based upon program experience with its use. To increase the budget significantly, without having gone through a priority setting process to know where to allocate resources, is premature. It would in effect “pad” the budget inappropriately. ICLS routinely approves requests for litigation funds on a regular basis for matters such as subpoenas for documents as well as witness fees, filing fees (where there is no fee waiver) and depositions (which are reimbursed). ICLS has a history of approving the use of significant litigation funds in ongoing complex cases for matters such as expert studies and witnesses.

- “Limited Scope Case Closing Expectations” where they exist are usually part of a non-LSC contract commitment, such as the Title-III B, HUD Homeless Legal Advocacy Project, HUD’s Homelessness Prevention and Rapid Re-Housing Program (HPRP) and the Legal Services Trust Fund Program’s Equal Access Fund which requires specific defined projects with case goals and levels of services (domestic violence, consumer advocacy, Housing Law Services Center).
  - **Assigned Intake:** ICLS will carefully examine this area.
  - **Courthouse/Outreach responsibilities:** These projects provide court users with useful information on how to access the courts and are a “relief valve” for branch offices which refer callers to the projects. In 2010, ICLS reduced the outreach at the family law court project in Riverside from two days to one day (July 1, 2010) and at the Proyecto Ayuda Legal project at the San Bernardino Court from three days to two days. These projects provide “matters” assistance primarily in family and housing court cases, giving information to self-represented litigants.
7. **Recommendation 3.9.3 Case Closure goals:** First, in prior years, LSC monitors strongly criticized ICLS for its low closing of cases as Extended Services. ICLS implemented case closure goals in advocate work plans. Every year saw an increase in Extended Services. The numbers are not set in concrete but the setting of reasonable goals has assisted ICLS in increasing extended services to clients. Second, most non-LSC funders require case closure goals in their contracts. The setting of case closure goals for advocates assists the Program in meeting their requirements.

Thank you for the opportunity to provide comments.

Very truly yours,



Irene Morales  
Executive Director