



FINAL REPORT
LEGAL SERVICES CORPORATION
Office of Compliance and Enforcement

Coast to Coast Legal Aid of South Florida, Inc.
December 1-4, 2008
Case Service Report/Case Management System Review

Recipient No. 610090

I. EXECUTIVE SUMMARY

Finding 1: Sampled cases evidenced that CCLA's automated case management system (ACMS) is sufficient to ensure that information necessary for effective case management is accurately and timely recorded. There were nine instances of inconsistent information in the ACMS and the case files.

Finding 2: CCLA's intake procedures generally support the program's compliance related requirements.

Finding 3: Sampled cases evidenced that CCLA maintains the income eligibility documentation required by 45 CFR § 1611.4, CSR Handbook (2001 Ed.), ¶ 5.3, CSR Handbook (2008 Ed.), § 5.3, and applicable LSC instructions for clients whose income does not exceed 125% of the Federal Poverty Guidelines (FPG).

Finding 4: Sampled cases evidenced that CCLA maintains asset eligibility documentation as required by 45 CFR §§ 1611.3(c) and (d), CSR Handbook (2001 Ed.), ¶ 5.4, and CSR Handbook (2008 Ed.), § 5.4.

Finding 5: CCLA is in non-compliance with certain documentation requirements of 45 CFR § 1626.6 in that a few files lacked the required citizenship attestations.

Finding 6: Sampled cases evidenced substantial compliance with the retainer requirements of 45 CFR § 1611.9 (Retainer agreements).

Finding 7: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1636 (Client identity and statement of facts).

Finding 8: Sampled cases evidenced compliance with the requirements of 45 CFR § 1620.4 and § 1620.6(c) (Priorities in use of resources).

Finding 9: Sampled cases evidenced compliance with CSR Handbook (2001 Ed.), ¶ 5.1 and CSR Handbook (2008 Ed.), § 5.6 (Description of legal assistance provided). However, there were 16 files which did not contain a description of the legal assistance provided and improvement is required.

Finding 10: With a few exceptions, sampled cases evidenced that CCLA's application of the CSR case closure categories is consistent with Section VIII, CSR Handbook (2001 Ed.) and Chapters VIII and IX, CSR Handbook (2008 Ed.).

Finding 11: Sampled cases evidenced compliance with the requirements of CSR Handbook (2001 Ed.), ¶ 3.3 and CSR Handbook (2008 Ed.) § 3.3 (Timely closing and dormant cases).

Finding 12: Sampled cases evidenced compliance with the requirements of CSR Handbook (2001 Ed.), ¶ 3.2 and CSR Handbook (2008 Ed.), § 3.2 regarding duplicate cases.

Finding 13: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1608 (Prohibited political activities).

Finding 14: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1609 (Fee-generating cases).

Finding 15: CCLA is in substantial compliance with 45 CFR Part 1614, which is designed to ensure that recipients of LSC funds involve private attorneys in the delivery of legal assistance to eligible clients.

Finding 16: CCLA is not compliance with 45 CFR § 1627.4(a), which prohibits programs from utilizing LSC funds to pay membership fees or dues to any private or nonprofit organization.

Finding 17: CCLA is in compliance with 45 CFR Part 1635 (Timekeeping requirements).

Finding 18: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1642 (Attorneys' fees).

Finding 19: Sampled cases reviewed and documents reviewed evidenced compliance with the requirements of 45 CFR Part 1612 (Restrictions on lobbying and certain other activities).

Finding 20: Sampled cases evidenced compliance with the requirements of 45 CFR Parts 1613 and 1615 (Restrictions on legal assistance with respect to criminal proceedings, and actions collaterally attacking criminal convictions).

Finding 21: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1617 (Class actions).

Finding 22: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1632 (Redistricting).

Finding 23: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1633 (Restriction on representation in certain eviction proceedings).

Finding 24: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1637 (Representation of prisoners).

Finding 25: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1638 (Restriction on solicitation).

Finding 26: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1643 (Restriction on assisted suicide, euthanasia, and mercy killing).

Finding 27: Sampled cases evidenced compliance with the requirements of certain other LSC statutory prohibitions (42 USC 2996f § 1007 (a) (8) (Abortion), 42 USC 2996f § 1007 (a) (9) (School desegregation litigation), and 42 USC 2996f § 1007 (a) (10) (Military selective service act or desertion)).

II. BACKGROUND OF REVIEW

On December 1 – 4, 2008, the Legal Services Corporation’s (LSC) Office of Compliance and Enforcement (OCE) conducted a Case Service Report/Case Management System (CSR/CMS) on-site visit at Coast to Coast Legal Aid of South Florida, Inc. (CCLA). The purpose of the visit was to assess the program’s compliance with the LSC Act, regulations, and other applicable laws. The visit was conducted by a team of three attorneys, one management analyst, and one fiscal analyst. The three attorneys and the fiscal analyst were OCE staff members; the management analyst was a consultant.

The on-site review was designed and executed to assess program compliance with basic client eligibility, intake, case management, regulatory and statutory requirements, and to ensure that CCLA has correctly implemented the 2008 CSR Handbook. Specifically, the review team assessed CCLA for compliance with the regulatory requirements of 45 CFR Part 1611 (Financial Eligibility); 45 CFR Part 1626 (Restrictions on legal assistance to aliens); 45 CFR §§ 1620.4 and 1620.6 (Priorities in use of resources); CFR § 1611.9 (Retainer agreements); 45 CFR Part 1636 (Client identity and statement of facts); 45 CFR Part 1608 (Prohibited political activities); 45 CFR Part 1609 (Fee-generating cases); 45 CFR Part 1614 (Private attorney involvement);¹ 45 CFR Part 1627 (Subgrants and membership fees or dues); 45 CFR Part 1635 (Timekeeping requirement); 45 CFR Part 1642 (Attorneys’ fees); 45 CFR Part 1630 (Cost standards and procedures); 45 CFR 1612 (Restrictions on lobbying and certain other activities); 45 CFR Parts 1613 and 1615 (Restrictions on legal assistance with respect to criminal proceedings and Restrictions on actions collaterally attacking criminal convictions); 45 CFR Part 1617 (Class actions); 45 CFR Part 1632 (Redistricting); 45 CFR Part 1633 (Restriction on representation in certain eviction proceedings); 45 CFR Part 1637 (Representation of prisoners); 45 CFR Part 1638 (Restriction on solicitation); 45 CFR Part 1643 (Restriction on assisted suicide, euthanasia, or mercy killing); and 42 USC 2996f § 1007 (Abortion, school desegregation litigation and military selective service act or desertion).

The OCE team interviewed members of CCLA’s upper and middle management, staff attorneys and support staff. CCLA’s case intake, case acceptance, case management, and case closure practices and policies in all substantive units were assessed. In addition to interviews, a case file review was conducted. The sample case review period was from January 1, 2006 through October 15, 2008. Case file review relied upon randomly selected files as well as targeted files identified to test for compliance with LSC requirements, including eligibility, potential duplication, timely closing, and proper application of case closure categories. In the course of the on-site review, the OCE team reviewed approximately 330 case files, which included 24 targeted files.

CCLA was formed in January 2004 as the LSC provider to serve Broward and Collier Counties. Previously, Legal Aid Services of Broward County (LASBC) and Florida Rural Legal Services (FRLS) served these counties as LSC grantees. As part of a state reconfiguration, LASBC became a non-LSC provider and expanded its service area to include both counties. Subsequently, the Florida Immigrant Advocacy Center’s Immokalee office merged with LASBC

¹ In addition, when reviewing files with pleadings and court decisions, compliance with other regulatory restrictions was reviewed as more fully reported *infra*.

expanding and consolidating representation to immigrants in the region, and the bar-sponsored Collier County Legal Aid Society merged with LASBC to provide services in Collier County, d/b/a Legal Aid Service of Collier County (LASCC). In accordance with the regional plan for delivery of legal services, CCLA handles senior law, family law and public benefits work in Broward County. LASBC is responsible for providing services in all other substantive law areas in Broward County, for all substantive law areas in Collier County, and to groups not eligible for representation with LSC funds.

CCLA received grant awards from LSC in the amount of \$1,673,455 for 2006, \$1,794,874 for 2007, and \$1,803,716 for 2008.

For 2007, CCLA reported 1,513 closed cases in its CSR data. CCLA's 2007 self-inspection report indicated a 0.8% error rate. The problem areas identified were: cases in which asset information was not documented; citizenship/alien eligibility was not documented; and evidence of legal advice was not documented. Some cases were excluded from the 2007 CSR data submitted to LSC as a result of a case review done after the self-inspection.

By letter dated October 1, 2008, OCE requested that CCLA provide a list of all cases reported to LSC in its 2006 CSR data submission (closed 2006 cases), a list of all cases reported in its 2007 CSR data submission (closed 2007 cases), a list of all cases closed between January 1, 2008 and October 15 2008 (closed 2008 cases), and a list of all cases which remained open as of October 15, 2008 (open cases). OCE requested that the lists contain the client name, the file identification number, the name of the advocate assigned to the case, the opening and closing dates, the CSR case closing category assigned to the case and the funding code assigned to the case. OCE requested that two sets of lists be compiled - one for cases handled by CCLA staff and the other for cases handled through CCLA's PAI component. CCLA was advised that OCE would seek access to such cases consistent with Section 509(h), Pub.L. 104-134, 110 Stat. 1321 (1996), LSC Grant Assurance Nos. 9 and 10, and the LSC *Access to Records* (January 5, 2004) protocol. CCLA was requested to notify OCE promptly, in writing, if it believed that providing the requested material in the specified format would violate the attorney-client privilege or would be otherwise protected from disclosure.

Thereafter, an effort was made to create a representative sample of cases that the team would review during the on-site visit. The sample was developed proportionately among 2006, 2007, and 2008 closed and 2008 open cases. The sample consisted largely of randomly selected cases, but also included targeted cases selected to test for compliance with the CSR instructions relative to timely closings, proper application of the CSR case closing categories, duplicate reporting, etc.

During the visit, access to case-related information was provided through staff intermediaries. Pursuant to the OCE and CCLA agreement of November 13, 2008, CCLA staff maintained possession of the file and discussed with the team the nature of the client's legal problem and the nature of the legal assistance rendered. In order to maintain confidentiality such discussion, in

some instances, was limited to a general discussion of the nature of the problem and the nature of the assistance provided.²

CCLA's management and staff cooperated fully in the course of the review process. As discussed more fully below, CCLA was made aware of compliance issues during the on-site visit. This was accomplished by informing intermediaries, as well as Managing Attorneys, and the Executive Director in the main office, of any compliance issues uncovered during case review.

At the conclusion of the visit on December 4, 2008, OCE conducted an exit conference during which CCLA was made aware of the areas in which a pattern of non-compliance was found. With the exception of the revised citizenship attestation form, no significant distinction between 2006, 2007, and 2008 cases were found. OCE cited instances of non-compliance in the areas of execution of citizenship attestations and the use of LSC funds to pay membership fees or dues to any private or nonprofit organization, and substantial compliance in the areas of intake, automated case management system, execution of retainer agreements, documentation of legal advice, application of closing codes, and allocation of PAI time. CCLA was advised that they would receive a Draft Report that would include all of OCE's findings, and that they would have 30 days to submit comments in response. Thereafter, a Final Report would be issued that would include CCLA's comments.

By letter dated February 12, 2009, OCE issued a Draft Report (DR) detailing its findings, recommendations, and required corrective actions. CCLA was asked to review the DR and provide written comments. By letter dated April 2, 2009, CCLA submitted its comments to the DR. CCLA has taken several corrective measures in response to the DR, which have been detailed in their comments to the DR. Furthermore, CCLA noted a few exceptions to the Findings. OCE has carefully considered CCLA's comments and has responded accordingly. CCLA's comments, in their entirety, are attached to this Final Report.

² In those instances where it was evident that the nature of the problem and/or the nature of the assistance provided had been disclosed to an unprivileged third party, such discussion was more detailed, as necessary to assess compliance.

III. FINDINGS

Finding 1: Sampled cases evidenced that CCLA’s automated case management system (ACMS) is sufficient to ensure that information necessary for effective case management is accurately and timely recorded. There were nine instances of inconsistent information in the ACMS and the case files.

Recipients are required to utilize ACMS and procedures which will ensure that information necessary for the effective management of cases is accurately and timely recorded in a case management system. At a minimum, such systems and procedures must ensure that management has timely access to accurate information on cases and the capacity to meet funding source reporting requirements. *See* CSR Handbook (2001 Ed.), ¶ 3.1 and CSR Handbook (2008 Ed.), § 3.1.

Until October 2008, CCLA utilized Kemps Prime as its ACMS. It has now fully transitioned to Legal Server, in accordance with the other LSC and non-LSC programs in the State of Florida. A contractor from the State Bar Foundation provided hands-on training to CCLA staff in advance of the transition. While CCLA reports some data translation errors, the Administrative Assistant stated that she believes all such errors have been identified and either have been or are in the process of correction. CSRs from 2008 will be generated from Legal Server and the Administrative Assistant feels that the report will be accurate.

Neither the current nor former ACMS’ contain defaults in income, asset, and citizenship fields, thereby complying with Program Letter 02-06.

Based on a comparison of the information from the ACMS to information contained in the case files sampled, CCLA’s automated case management system is sufficient to ensure that information necessary for the effective management of cases is accurately and timely recorded.

There were nine instances of inconsistent information in the ACMS and the case files as follows:

See Open Case No. 08E-2002109. This case file indicated that intake had been completed on October 2, 2008. The ACMS, however, showed the intake date as October 15, 2008;

In response to the DR, CCLA stated as follows:

“According to the Draft Report, the opening date in the file for Case No. 08E-2002109 is October 2, 2008. The opening date in the ACMS is October 15, 2008. At the beginning of October 2008, we were in the process of transitioning from the Kemps Prime of Legal Server. For cases that were opened from October 1, 2008 to October 3, 2008, we did not have the ability to directly transfer cases entered into Kemps Prime. For this particular case, staff did not adjust the date to reflect the actual date opened when the information was entered into Legal Server. However, the opening date in Kemp Prime is correct and a copy of the Kemp application is in the case file.”

LSC does not have direct access to the information contained in the case files and therefore must rely on the information provided by the intermediary while conducting onsite case review. In order to avoid future confusions, LSC recommends that CCLA record and maintain the information in both their files and the ACMS in a clear and consistent manner in order to avoid future confusions.

Open Case Nos. 08E-2001244, 07E-2001293, and 04-2000253. The funding code entered into the ACMS for all three of these cases was funding code 90. The intermediary stated that the cases were funded by LSC, which is currently coded by CCLA as funding code 1. The intermediary stated that 90 was the old funding code used for LSC and that some of the intake workers may have used it erroneously.

In response to the DR, CCLA stated as follows:

“The Draft Report identifies Case. No. 08E-2001244, 07E2001293 and 04-2000253 as having incorrect funding code 90. One intake person in the program had incorrectly used this funding code when opening some cases. In July 2008, prior to LSC’s visit, this error was corrected. The program discontinued the use of funding code 90 and has continued to use funding code 1 on all appropriate cases.”

As stated previously, the on-site case review conducted in December of 2008 revealed three open cases which had funding code 90 as the current funding code. These cases reveal that this issue had not been addressed efficiently. LSC recommend that CCLA run a query of all cases opened during the time period that funding code 90 was erroneously being used and correct them accordingly.

Also see Closed 2008 Case No. 06-1002266, a case that reflected “none” in the Legal Server asset field though the Kemps and written intake sheet reflect that assets were not screened. This appears to be a translation issue and had previously been identified by the program. Closed 2008 Case Nos. 06E-2001558, 08E-2000738, 07E-2001280, and 08E-2000750, according to the ACMS, were closed on June 30, 2008. The files, however, indicated a closing date of May 30, 2008. CCLA explained that the actual closing date was May 30. The June 30 date reflects the date that the case was closed in the ACMS.

CCLA should ensure that the correct case file information is entered and recorded in the automated case management system.

In response to the DR, CCLA stated as follows:

“The Draft Report identifies Case Nos. 06E-2001558, 08E-2000738, 07E-2001280 and 08E-2000750 as having a closing date on the file as May 30, 2008, but a closing date in the automated case management system (ACMS) as June 30, 2008. Although the closing date on the file entered by the case handler was May 30, 2008, three of the four files also contained an “Enter” stamp with June 30, 2008 written in by the data entry clerk, reflecting the actual date that the file was closed in the ACMS.”

LSC does not have direct access to the information contained in the case files and therefore must rely on the information provided by the intermediary while conducting onsite case review. In order to avoid future confusions, LSC recommends that CCLA record and maintain the information in both their files and the ACMS in a clear and consistent manner.

Finding 2: CCLA’s intake procedures generally support the program’s compliance related requirements.

CCLA intake is conducted five days per week during working hours, 9:00 am - 5:00 pm. While the recipient accepts telephonic applicants, many applications are made in-person. Outreach intake is not conducted. When applicants present themselves at the program, one of the two receptionists welcomes the applicant, determines their legal problem and conducts a conflict check. The nature of the legal problem dictates whether the applicant will be screened by CCLA or LASBC staff.³

The substantive legal units are located in CCLA’s single program office in Plantation. CCLA operates three substantive legal units: the Public Benefits Project, the Family Law Unit and the Senior Citizen Law Project. The receptionist notifies the appropriate unit’s intake paralegal, who conducts eligibility and legal problem screening. The intake paralegals follow the ACMS screens (Kemps until October 2008 and Legal Server subsequently). Accordingly, all essential compliance questions are screened in the same order. No manual intake sheets are currently used, though one was provided in the public benefits packet. It is used in the event there is no computer access, but all interviewees stated that this is rare.

If eligible, in-person applicants are required to complete a paperwork packet. Each packet contains compliance documents and issue and/or non-LSC grant specific forms. The compliance forms are uniform and compliant. If the appropriate case handler is available, eligible applicants meet with a case handler. The application is printed from the CMS, and the intake paralegal creates a physical file which is provided to the case handler. Unit protocol varies when it is not possible to meet with a case handler at that time. For public benefits cases, the intake paralegal schedules an appointment according to intake appointment times blocked out on an automated unit calendar. For senior and family cases, files are given to the appropriate case handler who is then responsible for coordinating appointments with the applicants.

Telephone applicants proceed as described above for walk-in applicants. The exception is that the paperwork is completed by case handlers at the time of the first meeting. The physical file is created by the intake paralegals prior to the meeting and all forms are included in the file facilitating the process for the case handlers.

³ CCLA rents space from the Legal Aid Society of Broward County (LASBC). The programs share a reception area. Two LASBC receptionists assist applicants for both programs; the receptionists provide services to CCLA applicants pursuant to an Administrative Services Contract. LASBC, a former LSC grantee, provides services which are restricted by LSC regulations. CCLA’s relationship with LASBC was reviewed by LSC during an October 2007 Program Integrity Review and will not be discussed here.

All intake paralegals and back-up intake staff were interviewed. Interviewees demonstrated knowledge of LSC and program policy with respect to financial eligibility, citizenship/eligible alien, and CSR requirements, with two exceptions. The first exception is that staff from all units stated that they perform spend-downs to qualify individuals whose income is between 125%-200% of the maximum income limit. While this is a permissible practice under 45 CFR Part 1611, the board adopted policy does not provide for such a spend-down. *See Finding #3.* Second, none of the interviewees could articulate assets which are exempt from attachment under state or federal law. Such exemption is included in the board adopted policy, which does comply with the LSC regulation, but the policy does not specify which such assets are excluded. To ensure that all staff thoroughly comply with the policy, CCLA should identify the assets that are excluded from attachment and list them in the policy or a separate explanatory document. Additional training should then be conducted.

Interviews further reveal that the program policy does not require reasonable inquiry into an applicant's income prospects, and none of the staff interviewed ask such questions. Also *see Finding #3.*

Lastly, the board policy exempts from consideration vehicles used for transportation. Some interviewees stated that they only exclude one vehicle regardless of purpose or the number of employed household members. The Legal Server ACMS allows users to list all household assets then indicate if each should be excluded from consideration toward the asset ceiling. This feature is an improvement over the prior ACMS, which included all recorded assets. However, training is needed to ensure consistent application of the board policy.

None of the interviewees had conducted intake for representation of a group.

The only inconsistency identified in intake screening was for Collier Legal Care (CLC) cases. LASBC staff conducts all intake for CLC and refers eligible cases to CLC. The CLC staff requires verification of income, assets (bank statements for the past three months) and expenses, if any. This is not consistent with CCLA intake and, further, this practice contradicts CCLA Financial Eligibility Guidelines. *See Finding #3.*

CCLA's intake procedures and practices generally support LSC compliance requirements. A few issues, noted above, should be addressed to further strengthen compliance, recordation and consistency.

In response to the DR, CCLA stated as follows:

"The Draft Report indicates that program staff are not correctly applying the board adopted policy regarding spend down to qualify individuals whose income falls between 125 and 200 percent of the federal poverty level. Unit supervisors have been instructed to speak with their intake staff about this issue. The policy on spend down will be reviewed again at the next scheduled meeting.

The Draft Report states that the interviewees could not articulate assets that are exempt from attachment under state or federal law. The program will prepare a separate document identifying

assets that are excluded from attachment under state or federal law for distribution to staff. Training on this issue will be conducted so that staff understands how to apply this exemption.

The Draft Report states that some intake staff only exclude one vehicle from consideration regardless of the purpose for which the vehicle is used. The program will instruct staff regarding this matter so that the policy regarding exclusion of vehicle is applied in a consistent manner.

The Draft Report states that Collier Lawyers Care requires verification of income, assets and expenses, if any. The program will instruct staff of Collier Lawyers Care on CCLA's intake eligibility policies relating to verification.”

Finding 3: Sampled cases evidenced that CCLA maintains the income eligibility documentation required by 45 CFR § 1611.4, CSR Handbook (2001 Ed.), ¶ 5.3, CSR Handbook (2008 Ed.), § 5.3, and applicable LSC instructions for clients whose income does not exceed 125% of the FPG.

Recipients may provide legal assistance supported with LSC funds only to individuals whom the recipient has determined to be financially eligible for such assistance. *See* 45 CFR § 1611.4(a). Specifically, recipients must establish financial eligibility policies, including annual income ceilings for individuals and households, and record the number of members in the applicant's household and the total income before taxes received by all members of such household in order to determine an applicant's eligibility to receive legal assistance.⁴ *See* 45 CFR § 1611.3(c)(1), CSR Handbook (2001 Ed.), ¶ 5.3, and CSR Handbook (2008 Ed.), § 5.3. For each case reported to LSC, recipients shall document that a determination of client eligibility was made in accordance with LSC requirements. *See* CSR Handbook (2001 Ed.), ¶ 5.2 and CSR Handbook (2008 Ed.), § 5.2.

In those instances in which the applicant's household income before taxes is in excess of 125% but no more than 200% of the applicable Federal Poverty Guidelines (FPG) and the recipient provides legal assistance based on exceptions authorized under 45 CFR § 1611.5(a)(3) and 45 CFR § 1611.5(a)(4), the recipient shall keep such records as may be necessary to inform LSC of the specific facts and factors relied on to make such a determination. *See* 45 CFR § 1611.5(b), CSR Handbook (2001 Ed.), ¶ 5.3, and CSR Handbook (2008 Ed.), § 5.3.

For CSR purposes, individuals financially ineligible for assistance under the LSC Act may not be regarded as recipient “clients” and any assistance provided should not be reported to LSC. In addition, recipients should not report cases lacking documentation of an income eligibility determination to LSC. However, recipients should report all cases in which there has been an income eligibility determination showing that the client meets LSC eligibility requirements, regardless of the source(s) of funding supporting the cases, if otherwise eligible and properly documented. *See* CSR Handbook (2001 Ed.), ¶ 4.3(a) and CSR Handbook (2008 Ed.), § 4.3.

⁴ A numerical amount must be recorded, even if it is zero. *See* CSR Handbook (2001 Ed.), ¶ 5.3 and CSR Handbook (2008 Ed.), § 5.3.

CCLA's Financial Eligibility Guidelines, adopted April 2006, allow for the substitution of a notation of receipt of a means-tested government benefit in lieu of a full income and asset screening. The regulation permits such a substitution, for income and assets, if the applicant's income is derived solely from the government benefit and if such policy is adopted by the board of directors. *See* 45 CFR §§ 1611.3(f) and 1611.4(c), and CSR Handbook (2008 Ed.), § 5.4.

All sampled cases reviewed evidenced that the applicants were screened for income eligibility. Sampled case files reviewed for applicants whose income exceeded 125% of the FPG evidenced that the applicant had authorized exceptions pursuant to the CCLA's over-income authorized exceptions and the exceptions were identified in the Legal Server (or Kemps) ACMS and on a written eligibility worksheet. Interviews with staff indicated that the office maintains grants with Violence Against Women's Act (VAWA) which allows the program to provide advice and counsel to clients with housing problems whose income exceeds 125% of the FPG. In addition, CCLA also maintains an Aging Grant which does not require staff from asking clients questions pertaining to their income. All staff interviewed demonstrated an understanding that non-LSC funded cases exceeding LSC financial guidelines or which were not screened for financial eligibility should be deselected from CSRs; in such instances the ACMS designates the case as non-reportable based upon the income and lack of factors.

CCLA's group eligibility policy complies with the requirements of 45 CFR Part 1611; however, staff interviewed could not recall screening a group client. Further, no group cases were reviewed.

In addition, it was noted that the CCLA policy pertaining to Over-Income Authorized Exceptions indicates consideration of authorized exceptions which does not involve subtracting any expense from income, but rather considering factors that could prevent an applicant from obtaining private legal assistance. However, during interviews and file review it was noted that the intake paralegals and back-up intake staff use a spend-down to qualify individuals with income between 125%-200%. The ACMS includes fields to input a factor associated with an expense and the system automatically subtracts it from the applicant's income. Further, a May 25, 2006 e-mail from the CCLA Executive Director to CCLA and LASBC staff states,

“...we have decided to make a change in the manner in which we are going to determine eligibility for applicants who fall between 125% and 200% of the federal poverty level. We are first going to calculate whether the allowable deductions(s) from income bring the applicant below 125% of the federal poverty level (the same spend down methodology that we use now). If the deductions bring the applicant below 125% of the poverty level, the applicant will be eligible for our services. If the deductions do not bring the applicant below 125% of the poverty level but they come close to meeting that level, then the applicant will be eligible for our services if there are other significant factors that affect the applicant's ability to afford legal assistance. The eligibility worksheet identifies some of the significant factors that you should consider.”

This e-mail also transmitted to staff the new financial eligibility guidelines that were adopted by the board on April 19, 2006. If there were subsequent directions to staff regarding a new procedure to qualify applicants between 125%-200%, it was not provided to the team.

Intake staff also completes a written Eligibility Worksheet documenting the exception. It lists the factors and includes space for an explanation, but it does not require a spend-down or even documentation of the amount of the expense. The form requires the Executive Director's signature if the applicant is qualified based upon Medical and Nursing Home Expenses or if the asset ceiling is waived. No other signatures are required. Accordingly, the intake paralegals have the authority to make the initial determination that the applicant is financially eligible. The case handlers and/or the Supervising Attorney, depending upon the unit, review this form, although this is not necessarily documented on the form or in the file. The program could improve their compliance by having a case handler initial and date the form upon their review.

The program policy does not require reasonable inquiry into an applicant's income prospects, and none of the staff interviewed ask such questions. It is noted that the policy does require inquiry into income prospects for group clients required by 45 CFR § 1611.6(b)(1), and current income prospects for applicants whose income is 125%-200% as allowable by 45 CFR § 1611.5(a)(4)(i), but it is silent on requiring the screening of income prospects in determining the financial eligibility for all applicants.

Interviews further revealed that CLC staff requires verification of income, assets (for example bank statements for the past three months) and expenses, if any, prior to determining an applicant to be financially eligible. As a sub-grantee of LASBC operating in Collier County, all intake for CLC cases is conducted by LASBC staff in the Naples office and cases are referred to CLC, also operating out of the Naples office.⁵ This practice is not consistent with CCLA intake and, further, this practice contradicts CCLA Financial Eligibility Guidelines which state, "Staff shall not require verification of the applicant's income and assets unless required by a specific funding agency." LSC does not require verification unless there is substantial reason to doubt the accuracy of the financial eligibility information provided by the applicant. See § 1611.7(c).

The Legal Server ACMS does not have defaults in the income fields, consistent with Program Letter 02-06. Further, the Kemps ACMS, used prior to October 2008, also did not have defaults in income fields.

Sampled cases evidenced that CCLA is in substantial compliance with 45 CFR § 1611.4, CSR Handbook (2001 Ed.), ¶ 5.3, CSR Handbook (2008 Ed.) § 5.3, and applicable LSC instructions for clients whose income does not exceed 125% of the poverty guidelines.⁶

⁵ LASBC provides all legal services in Collier County. CCLA's only service in Collier County is provided through CLC pursuant to a sub-grant with LASBC.

⁶ However, there was one exception. See Closed 2008 Case No. 05-1000389. The PAI file was opened on February 14, 2005 and involved a household of one with a monthly income of \$1,089.93. The file contained no documentation of CCLA's consideration of any of the authorized exceptions. Based upon information from the intermediary, it appears as if the intake worker counted an additional person in the household income; however, information contained in the file contradicted the person's membership in the household. This case should not be included in CSRs. Staff stated they would ensure that the ACMS is edited to deselect the case. Also see Open Case No. 08E-2001591/94. The client's income was over 125% of the FPG and there were no additional notes in the file

CCLA should review its ACMS procedures as it pertains to subtracting authorized exception for applicants whose income exceeds 125% of the FPG in light of its current Over Income-Authorized Exceptions policy contained in the board approved Financial Eligibility Guidelines, and CCLA should advise CLC to cease the practice of requiring verification of income, assets and expenses.

In response to the DR, CCLA stated as follows:

“The Draft Report states that the program’s policy does not require reasonable inquiry into the income prospects of all applicants for its services. It is submitted that the regulation does not require this inquiry for applicants. As noted in the Draft Report, the program’s policy, consistent with the regulation, requires such an inquiry for group clients and permits such an inquiry for applicants whose income falls between 125 and 200 percent of the federal poverty level.

The Draft Report states that Collier Lawyers Care requires verification of income, assets and expenses, if any. The program will instruct staff of Collier Lawyers Care on CCLA’s intake eligibility policies relating to verification.”

Finding 4: Sampled cases evidenced that CCLA maintains asset eligibility documentation as required by 45 CFR §§ 1611.3(c) and (d), CSR Handbook (2001 Ed.), ¶ 5.4, and CSR Handbook (2008 Ed.), § 5.4.

As part of its financial eligibility policies, recipients are required to establish reasonable asset ceilings in order to determine an applicant’s eligibility to receive legal assistance. *See* 45 CFR § 1611.3(d)(1). For each case reported to LSC, recipients must document the total value of assets except for categories of assets excluded from consideration pursuant to its Board-adopted asset eligibility policies.⁷ *See* CSR Handbook (2001 Ed.), ¶ 5.4 and CSR Handbook (2008), § 5.4.

In the event that a recipient authorizes a waiver of the asset ceiling due to the unusual circumstances of a specific applicant, the recipient shall keep such records as may be necessary to inform LSC of the reasons relied on to authorize the waiver. *See* 45 CFR § 1611.3(d)(2).

The revisions to 45 CFR Part 1611 changed the language regarding assets from requiring the recipient’s governing body to establish, “specific and reasonable asset ceilings, including both liquid and non-liquid assets,” to “reasonable asset ceilings for individuals and households.” *See* 45 CFR § 1611.6 in prior version of the regulation and 45 CFR § 1611.3(d)(1) of the revised regulation. Both versions allow the policy to provide for authority to waive the asset ceilings in unusual or meritorious circumstances. The older version of the regulation allowed such a waiver only at the discretion of the Executive Director. The revised version allows the Executive Director or his/her designee to waive the ceilings in such circumstances. *See* 45 CFR §

which would indicate that any exceptions applied to the client. The case was listed on the CSR reportable Open Case list provided. The ACMS also indicated the funding code for the case was LSC. The intermediary stated that the case would be removed from the CSR case list and the funding would be changed accordingly.

⁷ A numerical total value must be recorded, even if it is zero or below the recipient’s guidelines. *See* CSR Handbook (2001 Ed.), ¶ 5.4 and CSR Handbook (2008 Ed.), § 5.4.

1611.6(e) in prior version of the regulation and 45 CFR § 1611.3(d)(2) in the revised version. Both versions require that such exceptions be documented and included in the client's files.

The Client Eligibility Standards approved by the CCLA Board of Directors on April, 19, 2006, establishes the asset ceiling at \$2,000 for an individual and \$1,500 for each additional family member. Exempt from consideration are equity in an individual's principal residence; vehicles used for transportation; assets used in producing income; and other assets which are exempt from attachment under state or federal law.

The board approved financial eligibility policy allows for the substitution of a notation of receipt of a means-tested government benefit in lieu of a full income and asset screening. The regulation permits such a substitution, for income or assets, if the applicant's income is derived solely from the government benefit and if such policy is adopted by the board of directors. *See* 45 CFR §§ 1611.3(f) and 1611.4(c), and CSR Handbook (2008 Ed.), § 5.4.

The Legal Server ACMS does not have defaults in the asset fields, consistent with Program Letter 02-06. Further, the Kemps ACMS, used prior to October 2008, also did not have defaults in asset fields.

With one exception, sampled case files reviewed revealed that CCLA maintains asset eligibility documentation as was required by 45 CFR § 1611.6 and as is required by revised 45 CFR §§ 1611.3(c) and (d), CSR Handbook (2001 Ed.), ¶ 5.4, and CSR Handbook (2008 Ed.) § 5.4.⁸ *See* Closed 2008 Case No. 06-1002266, a file that contained no evidence of asset screening. This CLC case was intaked by LASBC on September 6, 2006. The Legal Server ACMS stated "none" for assets, but both the written form and the Kemps ACMS, from which the information in Legal Server was imported, were blank. It appears as if the "none" was a translation error as the original written source document and ACMS lacked evidence of asset screening. This case is not CSR reportable. Staff stated that they would ensure the case is deselected from CSRs.

The program did not offer comments to this Finding.

Finding 5: CCLA is in non-compliance with certain documentation requirements of 45 CFR § 1626.6 in that a few files lacked the required citizenship attestations.

The level of documentation necessary to evidence citizenship or alien eligibility depends on the nature of the services provided. With the exception of brief advice or consultation by telephone, which does not involve continuous representation, LSC regulations require that all applicants for legal assistance who claim to be citizens execute a written attestation. *See* 45 CFR § 1626.6. Aliens seeking representation are required to submit documentation verifying their eligibility. *See* 45 CFR § 1626.7. In those instances involving brief advice and consultation by telephone, which does not involve continuous representation, LSC has instructed recipients that the documentation of citizenship/alien eligibility must include a written notation or computer entry

⁸ The revised 45 CFR § 1611.2 defines assets as meaning cash or other resources of the applicant or members of the household that are readily convertible to cash, which are currently and actually available to an applicant. Accordingly, the terms "liquid" and "non-liquid" have been eliminated.

that reflects the applicant's oral response to the recipient's inquiry regarding citizenship/alien eligibility. *See* CSR Handbook (2001 Ed.), ¶ 5.5 and CSR Handbook (2008 Ed.), § 5.5; *See also*, LSC Program Letter 99-3 (July 14, 1999). In the absence of the foregoing documentation, assistance rendered may not be reported to LSC. *See* CSR Handbook (2001 Ed.), ¶ 5.5 and CSR Handbook (2008 Ed.), § 5.5.

Prior to 2006, recipients were permitted to provide non-LSC funded legal assistance to an alien who had been battered or subjected to extreme cruelty in the United States by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household, or an alien whose child had been battered or subjected to such cruelty.⁹ Although non-LSC funded legal assistance was permitted, such cases could not be included in the recipient's CSR data submission. In January 2006, the Kennedy Amendment was expanded and LSC issued Program Letter 06-2, "Violence Against Women Act 2006 Amendment" (February 21, 2006), which instructs recipients that they may use LSC funds to provide legal assistance to ineligible aliens, or their children, who have been battered, subjected to extreme cruelty, is the victims of sexual assault or trafficking, or who qualify for a "U" visa. LSC recipients are now allowed to include these cases in their CSRs.

CCLA's current citizenship attestation complies with 45 CFR § 1626.6(a) and CSR Handbook (2008 Ed.), § 5.5. The program evidences review of eligible alien documentation by completing a pink Citizen/Eligible Alien Determination form and copying the document for the file. The form is signed and dated, demonstrating timely review of the document. If the applicant is a victim of domestic violence, or eligible for a U or T-Visa, a blue Alien Eligibility Documentation – VAWA Victims form, is completed and placed in the file. If the screening is conducted by telephone, status is recorded on the ACMS and the documents are signed at the first in-person meeting, unless the assistance is limited and conducted over the telephone. The Kemps and Legal Server case printout, which is a summary of intake information and maintained in the file, also have a citizenship attestation. Previously, CCLA utilized a deficient citizenship attestation which stated, "I hereby acknowledge that I am a United States Citizen or have provided documentation, if necessary, as to my legal status in this country." This form was found in three of the cases reviewed, which were selected from the open case lists submitted to LSC. *See* Open Case Nos. 06E-2001445, 07-1000276, and 06-1000980. CCLA was informed that these forms needed to be updated prior to the files being closed and reported for the 2009 CSRs.

Interviews reveal that the program ceased using this document in 2007; however, Collier Lawyers Care, still used this document at the time of the review. This appears to be as a result of staff turnover. When this issue was noted, the CLC staff was provided a copy of the compliant attestation by the program's Administrative Assistant. Staff was advised to use the current document in the presence of a team member. No additional corrective action is required.

In response to the DR, CCLA stated as follows:

"The program acknowledges that two files opened in 2006, Case Nos. 06E-2001445 and 06-1000980, and one file opened in 2007, Case No. 07-1000276, contained a deficient citizenship

⁹ *See* Kennedy Amendment at 45 CFR § 1626.4.

attestation. Case No. 06E-20011445 was opened on behalf of an eligible alien. A citizenship attestation was not required and therefore the deficient citizenship attestation is a nullity and should be disregarded. Moreover, proper documentation of the client's alien status is the file and is noted in the ACMS.

The Draft Report indicates that the citizenship attestation was corrected in 2007. The citizenship attestation was actually corrected in April 2006. At that time, our program made changes to its intake procedures, and most of our clients signed a citizenship attestation on an application form printed from the ACMS. At the same time, a separate form was created with the proper citizenship attestation for other clients to sign.”

Based on the information provided during the onsite interviews and the form utilized in Case No. 07-1000276 this issue was not fully resolved by April 2006. LSC did note that most cases opened in 2007 and thereafter did contain the proper forms.

The Legal Server ACMS does not have defaults in the citizenship fields, consistent with Program Letter 02-06. Further, the Kemps ACMS, used prior to October 2008, also did not have defaults in citizenship fields.

Due to the above mentioned cases and an additional four files identified lacking proper documentation, CCLA is in non-compliance with 45 CFR § 1626.6. These cases are listed below:

See Closed 2008 Case No. 07E-1003672, a Broward Legal Care (BLC) case intaked by LASBC on November 29, 2007. The intake documentation shows that the applicant was an eligible alien; *see* Closed 2006 Case No. 05-1002853, a CLC case intaked by LASBC on December 8, 2005, the case was referred to a private attorney as an emergency spousal abuse case. The file includes other documents signed by the client, but not a citizenship attestation. LASBC is not subject to the LSC requirements and therefore did not obtain documentation of status; however, this issue should have been identified and the documentation of status reviewed before referring the case to a private attorney. This case is not CSR reportable; staff stated they would ensure it is deselected from CSR. *See also* Open Case No. 07E-1001612; and Closed 2006 Case No. 04-1002604.

In response to the DR, CCLA stated as follows:

“Additional problems related to documentation of eligible aliens occurred in four cases opened by Broward Lawyers Care and Collier Lawyers Care. In accordance with LSC’s instructions, those cases which did not have proper citizenship attestation or were otherwise not in compliance with the regulation were deselected from the 2008 CSR report. Furthermore, since the applications for most of these cases had been completed by LASBC staff, Broward Lawyers Care and Collier Lawyers Care Staff have been instructed to review each case to ensure compliance with LSC regulations. CCLA will provide improved oversight over cases referred by LASBC to Broward Lawyers Care and Collier Lawyers Care.

It should be noted that the LSC team reviewed approximately 330 cases files during the on-site visit. Of that number, only six cases (excluding Case No. 06E-2001445) were not in compliance with 45 CFR 1626.6. Therefore, it is submitted that the program has demonstrated substantial

compliance with the regulation. Moreover, the program began using the proper citizenship attestation well in advance of LSC's on-site visit."

Finding 6: Sampled cases evidenced substantial compliance with the retainer requirements of 45 CFR § 1611.9 (Retainer agreements).

Pursuant to 45 CFR § 1611.9, recipients are required to execute a retainer agreement with each client who receives extended legal services from the recipient. The retainer agreement must be in a form consistent with the applicable rules of professional responsibility and prevailing practices in the recipient's service area and shall include, at a minimum, a statement identifying the legal problem for which representation is sought, and the nature of the legal service to be provided. *See* 45 CFR § 1611.9(a).

The retainer agreement is to be executed when representation commences or as soon thereafter is practical and a copy is to be retained by the recipient. *See* 45 CFR §§ 1611.9(a) and (c). The lack of a retainer does not preclude CSR reporting eligibility.¹⁰ Cases without a retainer, if otherwise eligible and properly documented, should be reported to LSC.

CCLA units utilize a program-wide retainer agreement for staff cases. Staff inserts the problem for which representation is sought and the nature of legal assistance to be provided. CCLA also utilizes a limited service retainer agreement. Although the revised 45 CFR Part 1611 does not require retainer agreements for PAI cases, CCLA has chosen to utilize a Pro Bono Referral Agreement for cases which are referred to BLC or CLC. This document identifies the nature of the referral and sets forth rights and responsibilities.

Sampled case review evidence seven cases that either lacked a retainer agreement or contained a retainer agreement that did not identify the legal problem for which representation was sought. However, overall, CCLA is in substantial compliance with the requirements of 45 CFR § 1611.9. It is recommended that CCLA ensure that a retainer agreement is obtained in accordance with the requirements of 45 CFR § 1611.9.

The above referenced cases are listed below:

See Closed 2008 Case No. 08E-2000495. This case lacked a retainer agreement; *see also* Closed 2008 Case Nos. 07E-2000900, 07E-2000114, 07E-2002471, 07E-2000743, and 07E-2001793. The retainer agreement in these cases failed to identify the legal problem for which representation was sought. Finally, *see*, Open Case No. 07E-2000830-An initial limited retainer agreement was obtained in this case indicating that CCLA accepted the case for brief representation. However, CCLA failed to obtain a second retainer agreement once they changed their representation from brief to extended service.

In response to the DR, CCLA stated that "the program will ensure that proper retainer agreements are executed with clients who receive extended services."

¹⁰ However, a retainer is more than a regulatory requirement. It is also a key document clarifying the expectations and obligations of both client and program, thus assisting in a recipient's risk management.

Finding 7: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1636 (Client identity and statement of facts).

LSC regulations require that recipients identify by name each plaintiff it represents in any complaint it files, or in a separate notice provided to the defendant, and identify each plaintiff it represents to prospective defendants in pre-litigation settlement negotiations. In addition, the regulations require that recipients prepare a dated, written statement signed by each plaintiff it represents, enumerating the particular facts supporting the complaint. *See* 45 CFR §§ 1636.2(a) (1) and (2).

The statement is not required in every case. It is required only when a recipient files a complaint in a court of law or otherwise initiates or participates in litigation against a defendant, or when a recipient engages in pre-complaint settlement negotiations with a prospective defendant. *See* 45 CFR § 1636.2(a).

Case files reviewed indicated that CCLA is in compliance with the requirements of 45 CFR Part 1636.

The program did not offer comments to this Finding.

Finding 8: Sampled cases evidenced compliance with the requirements of 45 CFR § 1620.4 and § 1620.6(c) (Priorities in use of resources).

LSC regulations require that recipients adopt a written statement of priorities that determines the cases which may be undertaken by the recipient, regardless of the funding source. *See* 45 CFR § 1620.3(a). Except in an emergency, recipients may not undertake cases outside its priorities. *See* 45 CFR § 1620.6.

CCLA is in compliance with 45 CFR Part 1620. None of the sampled files reviewed revealed cases that were outside of CCLA's priorities.

The program did not offer comments to this Finding.

Finding 9: Sampled cases evidenced compliance with CSR Handbook (2001 Ed.), ¶ 5.1 and CSR Handbook (2008 Ed.), § 5.6 (Description of legal assistance provided). However, there were 16 files which did not contain a description of the legal assistance provided and improvement is required.

LSC regulations specifically define "case" as a form of program service in which the recipient provides legal assistance. *See* 45 CFR §§ 1620.2(a) and 1635.2(a). Consequently, whether the assistance that a recipient provides to an applicant is a "case", reportable in the CSR data depends, to some extent on whether the case is within the recipient's priorities and whether the recipient has provided some level of legal assistance, limited or otherwise.

If the applicant's legal problem is outside the recipient's priorities, or if the recipient has not provided any type of legal assistance, it should not report the activity in its CSR. For example, recipients may not report the mere referral of an eligible client as a case when the referral is the only form of assistance that the applicant receives from the recipient. *See* CSR Handbook (2001 Ed.), ¶ 7.2 and CSR Handbook (2008 Ed.), § 7.2.

Recipients are instructed to record client *and* case information, either through notations on an intake sheet or other hard-copy document in a case file, or through electronic entries in an ACMS database, or through other appropriate means. For each case reported to LSC such information shall, at a minimum, describe, *inter alia*, the level of service provided. *See* CSR Handbook (2001 Ed.), ¶ 5.1(c) and CSR Handbook (2008 Ed.), § 5.6.

CCLA generally complies with CSR Handbook (2001 Ed.), ¶ 5.1(c) and CSR Handbook (2008 Ed.), § 5.6, but 16 cases contained a sufficient description of the legal assistance provided or lacked a description.

A list of these cases is provided below:

See Closed 2008 Case Nos. 08E-2000908, 06E-2001558, 07E-2000241, 08E-2001119, 08E-1002466, 08E-1002522, 07E-2000113, 07E-2002471, 08E-2000639, 08E-2000357, and 08E-2000549; Open Case Nos. 08E-1002511 and 05-1000666; Closed 2007 Case Nos. 07E-2002512, and 07E-2000846; and Closed 2006 Case No. 05-1002746.

CCLA had already identified some of these cases for exclusion from future CSR data submissions. CCLA should assure that all of these cases are excluded from future CSR data submissions.

In response to the DR, CCLA stated that “the program acknowledges that some files did not contain evidence of the legal assistance provided. Following LSC’s on-site visit, program management informed staff that a file must contain a description of the legal assistance provided to the client.”

Finding 10: With a few exceptions, sampled cases evidenced that CCLA’s application of the CSR case closure categories is consistent with Section VIII, CSR Handbook (2001 Ed.) and Chapters VIII and IX, CSR Handbook (2008 Ed.).

The CSR Handbook defines the categories of case service and provides guidance to recipients on the use of the closing codes in particular situations. Recipients are instructed to report each case according to the type of case service that best reflects the level of legal assistance provided. *See* CSR Handbook (2001 Ed.), ¶ 6.1 and CSR Handbook (2008 Ed.), § 6.1.

With some exceptions, the files reviewed demonstrated that CCLA’s application of the CSR case closing categories is consistent with Section VIII, CSR Handbook (2001 Ed.) and Chapter IX, CSR Handbook (2008 Ed.). *See, e.g.*, Closed 2008 File No. 08E-2000257. This case was closed as “brief service”, but file documents indicate that CCLA filed motion to withdraw as counsel; *see also* Closed 2008 File No. 08E-2000434. This case was closed as “court decision”, but file

indicates a level of service more consistent with “extensive service”; Closed 2008 File No. 08E-2000774. This case was closed as “other”, but file indicates a level of service more consistent with “counsel and advice”; Closed 2007 Case No. 06-1002293. This case was closed with a closing code of “other” when the more appropriate closing code would have been “court decision”, and Closed 2008 Case No. 07E-1002573. This case was closed with a closing code of “brief service” when the file reflected that the private attorney provided “counsel and advice.”

Furthermore, interviews and case file review reveal that CCLA utilizes the code K, “Other,” for rejected cases. The CSR Handbook (2008 Ed.) permits the use of LSC case closure categories only for files for an eligible client that qualify as a case and are adequately documented. See CSR Handbook (2008 Ed.), § 8.1. Senior management acknowledged they are aware of this requirement, but stated that these cases can be reported to other funding sources and believed that the LSC restriction of the use of the K code could be offset by also deselecting it from LSC CSRs. While it is appropriate that these cases be deselected, CCLA must cease utilizing this code for rejected cases. See Closed 2008 File Nos. 08E-2001119, 07E-2000113, 07E-2002471, 08E-2000639, 08E-2000357, and 08E-2000549.

Despite this error, CCLA’s application of the CSR case closing categories is substantially consistent with Section VIII, CSR Handbook (2001 Ed.) and Chapters VIII and IX, CSR Handbook (2008 Ed.).

In response to the DR, CCLA stated that “the program has discontinued the use of closing code K as a deselect code. The program has created a new code (Closing code O) for cases that are deselected.”

Finding 11: Sampled cases evidenced compliance with the requirements of CSR Handbook (2001 Ed.), ¶ 3.3 and CSR Handbook (2008 Ed.) § 3.3 (Timely closing and dormant cases).

To the extent practicable, programs shall report cases as having been closed in the year in which assistance ceased, depending on case type. Cases in which the only assistance provided is counsel and advice, brief service, or a referred after legal assessment (CSR Categories, A, B, and C), should be reported as having been closed in the year in which the counsel and advice, brief service, or referral was provided. See CSR Handbook (2001 Ed.), ¶ 3.3(a).¹¹ There is, however, an exception for cases opened after September 30, and those cases containing a determination to hold the file open because further assistance is likely. See CSR Handbook (2001 Ed.), ¶ 3.3(a) and CSR Handbook (2008 Ed.), § 3.3(a). All other cases (CSR Categories D through K, 2001 CSR Handbook and F through L, 2008 CSR Handbook) should be reported as having been closed in the year in which the recipient determines that further legal assistance is unnecessary, not possible or inadvisable, and a closing memorandum or other case-closing notation is prepared. See CSR Handbook (2001 Ed.), ¶ 3.3(b) and CSR Handbook (2008 Ed.), § 3.3(b).

¹¹ The time limitation of the 2001 Handbook that a brief service case should be closed “as a result of an action taken at or within a few days or weeks of intake” has been eliminated. However, cases closed as limited action are subject to the time limitation on case closure found in CSR Handbook (2008 Ed.), § 3.3(a) this category is intended to be used for the preparation of relatively simple or routine documents and relatively brief interactions with other parties. More complex and/or extensive cases that would otherwise be closed in this category should be closed in the new CSR Closure Category L (Extensive Service).

Additionally LSC regulations require that systems designed to provide direct services to eligible clients by private attorneys must include, among other things, case oversight to ensure timely disposition of the cases. *See* 45 CFR § 1614.3(d)(3).

CCLA is in compliance regarding the requirements of CSR Handbook (2001 Ed.), ¶ 3.3 and CSR Handbook (2008 Ed.), § 3.3(a).

The program did not offer comments to this Finding.

Finding 12: Sampled cases evidenced compliance with the requirements of CSR Handbook (2001 Ed.), ¶ 3.2 and CSR Handbook (2008 Ed.), § 3.2 regarding duplicate cases.

Through the use of automated case management systems and procedures, recipients are required to ensure that cases involving the same client and specific legal problem are not recorded and reported to LSC more than once. *See* CSR Handbook (2001 Ed.), ¶ 3.2 and CSR Handbook (2008 Ed.), § 3.2.

When a recipient provides more than one type of assistance to the same client during the same reporting period, in an effort to resolve essentially the same legal problem, as demonstrated by the factual circumstances giving rise to the problem, the recipient may report only the highest level of legal assistance provided. *See* CSR Handbook (2001 Ed.), ¶ 6.2 and CSR Handbook (2008 Ed.), § 6.2.

When a recipient provides assistance more than once within the same reporting period to the same client who has returned with essentially the same legal problem, as demonstrated by the factual circumstances giving rise to the problem, the recipient is instructed to report the repeated instances of assistance as a single case. *See* CSR Handbook (2001 Ed.), ¶ 6.3 and CSR Handbook (2008 Ed.), § 6.3. Recipients are further instructed that related legal problems presented by the same client are to be reported as a single case. *See* CSR Handbook (2001 Ed.), ¶ 6.4 and CSR Handbook (2008 Ed.), § 6.4.

Sample cases did not reveal any instances of duplicate case reporting. CCLA is in compliance with the requirements of CSR Handbook (2001 Ed.), ¶ 3.2 and CSR Handbook (2008 Ed.), § 3.2 regarding duplicate cases.

The program did not offer comments to this Finding.

Finding 13: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1608 (Prohibited political activities).

LSC regulations prohibit recipients from expending grants funds or contributing personnel or equipment to any political party or association, the campaign of any candidate for public or party office, and/or for use in advocating or opposing any ballot measure, initiative, or referendum. *See* 45 CFR Part 1608.

Sampled files reviewed indicate that CCLA is not involved in such activity.

The program did not offer comments to this Finding.

Finding 14: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1609 (Fee-generating cases).

Except as provided by LSC regulations, recipients may not provide legal assistance in any case which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably might be expected to result in a fee for legal services from an award to the client, from public funds or from the opposing party. *See* 45 CFR §§ 1609.2(a) and 1609.3.

Recipients may provide legal assistance in such cases where the case has been rejected by the local lawyer referral service, or two private attorneys; neither the referral service nor two private attorneys will consider the case without payment of a consultation fee; the client is seeking, Social Security, or Supplemental Security Income benefits; the recipient, after consultation with the private bar, has determined that the type of case is one that private attorneys in the area ordinarily do not accept, or do not accept without pre-payment of a fee; the Executive Director has determined that referral is not possible either because documented attempts to refer similar cases in the past have been futile, emergency circumstances compel immediate action, or recovery of damages is not the principal object of the client's case and substantial attorneys' fees are not likely. *See* 45 CFR §§ 1609.3(a) and 1609.3(b).

LSC has also prescribed certain specific recordkeeping requirements and forms for fee-generating cases. The recordkeeping requirements are mandatory. *See* LSC Memorandum to All Program Directors (December 8, 1997).

Sampled cases evidenced compliance with the requirements of 45 CFR Part 1609.

The program did not offer comments to this Finding.

Finding 15: CCLA is in substantial compliance with 45 CFR Part 1614, which is designed to ensure that recipients of LSC funds involve private attorneys in the delivery of legal assistance to eligible clients.

45 CFR Part 1614 requires LSC recipients to devote an amount of LSC and/or non-LSC funds equal to 12.5% of its LSC annualized basic field award for the involvement of private attorneys in the delivery of legal assistance to eligible clients. This requirement is referred to as the "PAI" or private attorney involvement requirement.

Activities undertaken by the recipient to involve private attorneys in the delivery of legal assistance to eligible clients must include the direct delivery of legal assistance to eligible clients. The regulation contemplates a range of activities, and recipients are encouraged to assure that the market value of PAI activities substantially exceed the direct and indirect costs

allocated to the PAI requirement. The precise activities undertaken by the recipient to ensure private attorney involvement are, however, to be determined by the recipient, taking into account certain factors. *See* 45 CFR §§ 1614.3(a), (b), (c), and (e)(3). The regulations, at 45 CFR § 1614.3(e)(2), require that the support and expenses relating to the PAI effort must be reported separately in the recipient's year-end audit. The term "private attorney" is defined as an attorney who is not a staff attorney. *See* 45 CFR § 1614.1(d). Further, 45 CFR § 1614.3(d)(3) requires programs to implement case oversight and follow-up procedures to ensure the timely disposition of cases to achieve, if possible, the results desired by the client and the efficient and economical utilization of resources.

CCLA's PAI program is funded through a subgrant with the Legal Aid Society of Broward County (LASBC)

The Audited Financial Statement (AFS) for the year ending December 31, 2007, reported as separate expenditures LSC Pro-Bono Funds dedicated to the PAI effort, as required by 45 CFR § 1614.4(e)(2). The LSC Pro-Bono Funds statement reported total PAI expenditures of \$224,951, or 12.53% of the total basic field grant (\$1,794,874), complying with the 12.5% requirement.

CCLA is in compliance with 45 CFR § 1614.3(d)(3), which requires oversight and follow-up of the PAI cases. All cases evidenced appropriate oversight. Furthermore, the review of the LSC Pro-Bono Funds statement for year ending December 31, 2007, disclosed that CCLA correctly allocated the salaries of the PAI staff based on a percentage basis derived from LSC eligible and non-eligible cases handled by the subgrant in compliance with the requirement of 45 CFR § 1614.3(e)(1)(i). Several of the costs allocated to PAI were reviewed and were found to be related to PAI activities, in compliance with 45 CFR § 1614.3(e), and indirect costs were tested and found to be allocated on the basis of reasonable operating data. However, CCLA does not capture all of the PAI related costs accrued by the advocates and other direct and indirect costs related to PAI related activities associated with the subgrant agreement, as required by 45 CFR § 1614.3(e)(1)(i). CCLA should instruct their advocates to record any and all time related to any PAI activities in their ACMS.

In response to the DR, CCLA stated that "the program will instruct its advocates to record all time related to PAI activities in the case management system."

Finding 16: CCLA is not compliance with 45 CFR § 1627.4(a), which prohibits programs from utilizing LSC funds to pay membership fees or dues to any private or nonprofit organization.

LSC regulation 45 CFR § 1627.4(a) requires that:

- a) LSC funds may not be used to pay membership fees or dues to any private or nonprofit organization, whether on behalf of a recipient or an individual.
- b) Paragraph (a) of this section does not apply to the payment of membership fees or dues mandated by a government organization to engage in a

profession, or to the payment of membership fees or dues from non-LSC funds.

A limited review of accounting records and detailed general ledger, disclosed that CCLA paid \$5,367.78 in 2006 and \$5,377.00 in 2007 for National Legal Aid and Defenders Association (NLADA) dues with LSC funds, contrary to the requirements of 45 CFR § 1627.4(a) that “LSC funds may not be used to pay membership fees or dues to any private or nonprofit organization, whether on behalf of a recipient or an individual.” However, in 2008, the NLADA dues were paid with non-LSC funds.

CCLA was instructed to reimburse the LSC funds with \$10,744.78 for the 2006 and 2007 NLADA payments with non-LSC funds. The Executive Director stated that due to this finding, it was discovered that there are other dues which are not considered mandatory which had been erroneously paid for by LSC funds. The Executive Director stated that this was a misunderstanding between herself and the accounting department and it would be rectified. CCLA is required to provide a detailed accounting of all such payments made in 2006, 2007, and 2008, and the reimbursement made to the LSC fund using non-LSC funds.

In response to the DR, the program stated as follows:

“The program acknowledges the findings in LSC’s Draft Report regarding payment of membership fees or dues to private or nonprofit organizations. The program is in the process of reimbursing the LSC funds with non-LSC funds for all payments made for fees or dues to private or nonprofit organizations. The program will provide LSC with a detailed accounting of all such payments and reimbursements.”

Finding 17: CCLA is in compliance with 45 CFR Part 1635 (Timekeeping requirements).

The timekeeping requirement, 45 CFR Part 1635, is intended to improve accountability for the use of all funds of a recipient by assuring that allocations of expenditures of LSC funds pursuant to 45 CFR Part 1630 are supported by accurate and contemporaneous records of the cases, matters, and supporting activities for which the funds have been expended; enhancing the ability of the recipient to determine the cost of specific functions; and increasing the information available to LSC for assuring recipient compliance with Federal law and LSC rules and regulations. *See* 45 CFR § 1635.1.

Specifically, 45 CFR § 1635.3(a) requires that all expenditures of funds for recipient actions are, by definition, for cases, matters, or supporting activities. The allocation of all expenditures must satisfy the requirements of 45 CFR Part 1630. Time spent by attorneys and paralegals must be documented by time records which record the amount of time spent on each case, matter, or supporting activity. Time records must be created contemporaneously and account for time by date and in increments not greater than one-quarter of an hour which comprise all of the efforts of the attorneys and paralegals for which compensation is paid by the recipient. Each record of time spent must contain: for a case, a unique client name or case number; for matters or supporting activities, an identification of the category of action on which the time was spent.

The timekeeping system must be able to aggregate time record information on both closed and pending cases by legal problem type. Recipients shall require any attorney or paralegal who works part-time for the recipient and part-time for an organization that engages in restricted activities to certify in writing that the attorney or paralegal has not engaged in restricted activity during any time for which the attorney or paralegal was compensated by the recipient or has not used recipient resources for restricted activities.

The review of timekeeping records of 10 advocates for the pay period ending October 30, 2008 disclosed that the records are electronically and contemporaneously kept. The time spent on each case, matter or supporting activity is recorded in substantial compliance with 45 CFR §§ 1635.3(b) and (c).

A review was conducted for 15 actual case files against their corresponding timekeeping records to determine the accuracy of the time reported when comparing to the amount of work performed as disclosed in the case file. The review disclosed that both records compare favorably.

The program did not offer comments to this Finding.

Finding 18: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1642 (Attorneys' fees).

Except as provided by LSC regulations, recipients may not claim, or collect and retain attorneys' fees in any case undertaken on behalf of a client of the recipient. *See* 45 CFR § 1642.3. The regulations define "attorneys' fees" as an award to compensate an attorney of the prevailing party made pursuant to common law or Federal or State law permitting or requiring the award of such fees or a payment to an attorney from a client's retroactive statutory benefits. *See* 45 CFR § 1642.2(a).

A limited review of CCLA's fiscal records, the 2007 AFS, and interview with the Executive Director and the fiscal administrator evidenced that there were no attorney fees requested, awarded, and retained for cases serviced directly by CCLA.

Additionally, none of the sampled files reviewed contained a prayer for attorneys' fees.

The program did not offer comments to this Finding.

Finding 19: Sampled cases reviewed and documents reviewed evidenced compliance with the requirements of 45 CFR Part 1612 (Restrictions on lobbying and certain other activities).

The purpose of this part is to ensure that LSC recipients and their employees do not engage in certain prohibited activities, including representation before legislative bodies or other direct lobbying activity, grassroots lobbying, participation in rulemaking, public demonstrations,

advocacy training, and certain organizing activities. This part also provides guidance on when recipients may participate in public rulemaking or in efforts to encourage State or local governments to make funds available to support recipient activities, and when they may respond to requests of legislative and administrative officials.

None of the sampled files and documents reviewed, including the program's legislative activity reports, evidenced any lobbying or other prohibited activities. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

The program did not offer comments to this Finding.

Finding 20: Sampled cases evidenced compliance with the requirements of 45 CFR Parts 1613 and 1615 (Restrictions on legal assistance with respect to criminal proceedings, and actions collaterally attacking criminal convictions).

Recipients are prohibited from using LSC funds to provide legal assistance with respect to a criminal proceeding. *See* 45 CFR § 1613.3. Nor may recipients provide legal assistance in an action in the nature of a habeas corpus seeking to collaterally attack a criminal conviction. *See* 45 CFR § 1615.1.

None of the sampled files reviewed involved legal assistance with respect to a criminal proceeding, or a collateral attack in a criminal conviction. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

The program did not offer comments to this Finding.

Finding 21: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1617 (Class actions).

Recipients are prohibited from initiating or participating in any class action. *See* 45 CFR § 1617.3. The regulations define "class action" as a lawsuit filed as, or otherwise declared by a court of competent jurisdiction, as a class action pursuant Federal Rules of Civil Procedure, Rule 23, or comparable state statute or rule. *See* 45 CFR § 1617.2(a). The regulations also define "initiating or participating in any class action" as any involvement, including acting as co-counsel, amicus curiae, or otherwise providing representation relative to the class action, at any stage of a class action prior to or after an order granting relief. *See* 45 CFR § 1617.2(b)(1).¹²

None of the sampled files reviewed involved initiation or participation in a class action. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

¹² It does not, however, include representation of an individual seeking to withdraw or opt out of the class or obtain the benefit of relief ordered by the court, or non-adversarial activities, including efforts to remain informed about, or to explain, clarify, educate, or advise others about the terms of an order granting relief. *See* 45 CFR § 1617.2(b)(2).

The program did not offer comments to this Finding.

Finding 22: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1632 (Redistricting).

Recipients may not make available any funds , personnel, or equipment for use in advocating or opposing any plan or proposal, or representing any party, or participating in any other way in litigation, related to redistricting. *See* 45 CFR § 1632.3.

None of the sampled files reviewed revealed participation in litigation related to redistricting. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

The program did not offer comments to this Finding.

Finding 23: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1633 (Restriction on representation in certain eviction proceedings).

Recipients are prohibited from defending any person in a proceeding to evict the person from a public housing project if the person has been charged with, or has been convicted of, the illegal sale, distribution, manufacture, or possession with intent to distribute a controlled substance, and the eviction is brought by a public housing agency on the basis that the illegal activity threatens the health or safety of other resident tenants, or employees of the public housing agency. *See* 45 CFR § 1633.3.

None of the sampled files reviewed involved defense of any such eviction proceeding. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

The program did not offer comments to this Finding.

Finding 24: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1637 (Representation of prisoners).

Recipients may not participate in any civil litigation on behalf of a person incarcerated in a federal, state, or local prison, whether as plaintiff or defendant; nor may a recipient participate on behalf of such incarcerated person in any administrative proceeding challenging the condition of the incarceration. *See* 45 CFR § 1637.3.

None of the sampled files reviewed involved participation in civil litigation, or administrative proceedings, on behalf of an incarcerated person. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

The program did not offer comments to this Finding.

Finding 25: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1638 (Restriction on solicitation).

In 1996, Congress passed, and the President signed, the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (the "1996 Appropriations Act"), Pub. L. 104-134, 110 Stat. 1321 (April 26, 1996). The 1996 Appropriations Act contained a new restriction which prohibited LSC recipients and their staff from engaging a client which it solicited.¹³ This restriction has been contained in all subsequent appropriations acts.¹⁴ This new restriction is a strict prohibition from being involved in a case in which the program actually solicited the client. As stated clearly and concisely in 45 CFR § 1638.1: "This part is designed to ensure that recipients and their employees do not solicit clients."

None of the sampled files, including documentation, such as community education materials and program literature indicated program involvement in such activity. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

The program did not offer comments to this Finding.

Finding 26: Sampled cases evidenced compliance with the requirements of 45 CFR Part 1643 (Restriction on assisted suicide, euthanasia, and mercy killing).

No LSC funds may be used to compel any person, institution or governmental entity to provide or fund any item, benefit, program, or service for the purpose of causing the suicide, euthanasia, or mercy killing of any individual. No may LSC funds be used to bring suit to assert, or advocate, a legal right to suicide, euthanasia, or mercy killing, or advocate, or any other form of legal assistance for such purpose. *See* 45 CFR § 1643.3.

None of the sampled files reviewed involved such activity. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

The program did not offer comments to this Finding.

¹³ *See* Section 504(a)(18).

¹⁴ *See* Pub. L. 108-7, 117 Stat. 11 (2003) (FY 2003), Pub. L. 108-199, 118 Stat. 3 (2004) (FY 2004), Pub. L. 108-447, 118 Stat. 2809 (2005) (FY 2005), and Pub. L. 109-108, 119 Stat. 2290 (2006) (FY 2006).

Finding 27: Sampled cases evidenced compliance with the requirements of certain other LSC statutory prohibitions (42 USC 2996f § 1007 (a) (8) (Abortion), 42 USC 2996f § 1007 (a) (9) (School desegregation litigation), and 42 USC 2996f § 1007 (a) (10) (Military selective service act or desertion)).

Section 1007(b) (8) of the LSC Act prohibits the use of LSC funds to provide legal assistance with respect to any proceeding or litigation which seeks to procure a non-therapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution. Additionally, Public Law 104-134, Section 504 provides that none of the funds appropriated to LSC may be used to provide financial assistance to any person or entity that participates in any litigation with respect to abortion.

Section 1007(b) (9) of the LSC Act prohibits the use of LSC funds to provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any elementary or secondary school or school system, except that nothing in this paragraph shall prohibit the provision of legal advice to an eligible client with respect to such client's legal rights and responsibilities.

Section 1007(b) (10) of the LSC Act prohibits the use of LSC funds to provide legal assistance with respect to any proceeding or litigation arising out of a violation of the Military Selective Service Act or of desertion from the Armed Forces of the United States, except that legal assistance may be provided to an eligible client in a civil action in which such client alleges that he was improperly classified prior to July 1, 1973, under the Military Selective Service Act or prior law.

All of the sampled files reviewed demonstrated compliance with the above LSC statutory prohibitions. Discussions with the Executive Director also confirmed that CCLA is not involved in this prohibited activity.

The program did not offer comments to this Finding.

IV. RECOMMENDATIONS¹⁵

Consistent with the findings of this report, it is recommended that CCLA:

1. Ensure that the correct case file information is entered and recorded in the automated case management system;

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

2. Conduct training to ensure consistent application of board policy with respect to qualifying individuals with income between 125%-200% of the FPG, and the recordation of vehicles excluded from consideration in financial eligibility determinations;

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

3. Identify assets that are excluded from attachment under state and federal law and list them in the policy or a separate explanatory document. Additional training should then be conducted; and

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

4. Require that case handlers initial and date the Eligibility Worksheet thereby documenting the decision to assist persons whose income is between 125%-200%.

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

¹⁵ Items appearing in the “Recommendations” section are not enforced by LSC and therefore the program is not required to take any of the actions or suggestions listed in this section. Recommendations are offered when useful suggestions or actions are identified that, in OCE’s experience, could help the program with topics addressed in the report. Often recommendations address potential issues and may assist a program to avoid future compliance errors.

By contrast, the items listed in “Required Corrective Actions” must be addressed by the program, and will be enforced by LSC.

V. REQUIRED CORRECTIVE ACTIONS

Consistent with the findings of this report, CCLA is required to take the following corrective actions:

1. Ensure that all case files contain the proper citizenship attestations pursuant to 45 CFR Part 1626, where appropriate.

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

2. Provide a detailed accounting of all non-mandatory payments made with LSC funds in 2006, 2007, and 2008, and the reimbursements made to the LSC fund using non-LSC funds.

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

3. Instruct all advocates to record any and all time related to any PAI activities in the ACMS.

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

4. Ensure that each case reported to LSC contains a proper financial eligibility determination, as required by LSC regulations and the CSR Handbook (2008 Ed.).

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

5. Ensure the proper application of the CSR case closure categories.

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

6. Implement improved oversight over cases referred by LASBC to BLC and CLC to ensure that all compliance requirements are met and, if not, obtain proper documentation prior to referring the case.

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”

7. Ensure that each file is in compliance with the requirements of 45 CFR § 1611.9 (Retainer Agreements).

In response to the DR, CCLA stated that “the program will implement all corrective actions and recommendations identified in LSC’s Draft Report.”