

ATTACHMENT

PLA'S Comments to
Draft Program Quality Visit Report

JOHN EIDLEMAN

From: Anita Santos [asantos@philalegal.org]
Sent: Monday, August 23, 2010 3:10 PM
To: JOHN EIDLEMAN
Subject: Draft Report
Attachments: PLA 2010 PQV Draft Report PLA Corrections.DOC

John,

Attached is a copy of the LSC draft report with our mark -ups. Most of our corrections are fairly straightforward or corrections of minor typos. Do not hesitate to contact me if you have any questions regarding our corrections.

Thanks,

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living below the poverty level. There is significant diversity in the service area. The poverty population for the area is 27.45% White, 55.89% African American and 15.77% Hispanic. The client population served in 2009 by PLA was 17.9% White, 57.7% African American and 13.4% Hispanic.

PLA provides services through a staff of 44 that includes 14 attorneys and 21 paralegals. The program has five substantive law units that include the Migrant Unit, Family Law Unit, Public Benefits Unit, Consumer/Housing Unit and the Save Your Home Philly Hotline (SYHP). PLA also has an Intake Unit. The management team includes the executive director, a finance director, and a managing attorney.

The migrant unit, Pennsylvania Farmworker Project, (PFP) has a supervising attorney and a paralegal. The family law unit has ~~a supervising attorney, three~~ attorneys and four paralegals. The public benefit unit has a supervising attorney, two staff attorneys and four paralegals. The consumer/housing unit has a supervising attorney, four staff attorneys, one of whom supervises the ~~Save Your Home Philly Hotline~~, and seven paralegals. Six of the paralegals staff the Save Your Home Philly Hotline. The intake unit has a supervisor and three paralegals.

In 2010, PLA received an LSC basic field grant for \$3,533,573 and a \$190,820 migrant grant. In addition in 2010, PLA received funding totaling \$627,433 from other sources.

PLA's case closing patterns for basic field have fluctuated for the last three years. In 2007, PLA reported 4,950 closed cases. Of these cases, 89.5% were limited service and 10.5% were extended. Of the cases closed in 2007, 40.3% were family law cases, 17.1% were housing, 14% were consumer, and 19.7% were income maintenance cases. In 2008, PLA reported 3,677 closed cases. Of these cases, 88.5% were limited service and 11.5% were extended. Of the cases closed in 2008, 49.9% were family law cases, 3.57% were housing 17.5% were consumer cases and 19.1% were income maintenance cases. In 2009, PLA reported 5,545 closed cases. Of these cases, 88.3% were limited service and 11.7% were extended. Of the cases closed in 2009, 28.5% were family law cases, 32.4% were housing, 12.9% were consumer cases and 19.6% were income maintenance cases. The increase in housing cases closed in 2009 is probably a reflection of the activity on the Save Your Home Philly Hotline.

The migrant program closed 57 cases in 2007. Of the cases closed in 2007, 2.7% were family law cases, 5.4 were housing, 2.9% were consumer, 42.2% were employment and 18.8% were income maintenance cases. The migrant program again closed 57 cases in 2008. Of the cases closed in 2008, 2.5% were family law cases, 3.4% were housing, 2.4% were consumer, 46.6% were employment and 18% were income maintenance cases. The migrant program closed 41 cases in 2009. Of the cases closed in 2009, 2.1% were family law cases, 5.2% were housing, 2.3% were consumer, 41.2% were employment and 25.9% were income maintenance cases.

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Recommendation:

I.1.1.² PLA should proceed with its 2010 needs assessment and complete it in the proposed time frame.

Criteria 2 and 3. Setting goals and objectives, allocating resources, developing strategies, and implementing processes to achieve goals.

Finding 2: PLA annually sets goals and objectives and develops strategies to achieve them based on available resources, and regularly assesses its delivery strategies and work.

PLA annually reviews and adopts program priorities. PLA has set explicit goals, outcomes and strategies, expressed as cases and other services to achieve its objectives in the form of its priorities. Those priorities are described in the context of PLA's units, and encompass preserving income, family law and preserving home ownership.

PLA's migrant program has set specific priorities and developed strategies and goals to address those priorities. The program concentrates its efforts on the most pressing legal issues facing the migrant population. These include wage issues, violation of laws protecting migrant workers, evictions, conditions in labor camps, health and safety violations administrative law issues, unemployment and filling out tax returns.

Criterion 4. Evaluation and adjustment.

Finding 3: PLA does not engage in a formal evaluation of the outcomes of its advocacy and other services to the client community to make adjustments to its priorities and delivery system.

The program does not engage in an ongoing explicit analysis process for evaluating the effectiveness of the delivery strategies and work for the entire program. This analysis may be occurring in the SYHP project. In 2008, a consultant was hired to review the project and many of the recommendations were implemented. It does not appear that the program evaluates the delivery system on an ongoing basis and does not make adjustments based on its findings and conclusions.

Finding 4: PLA is engaging in strategic planning with CLS.

PLA and CLS are involved in strategic planning to develop a system for future collaboration. The strategic planning focuses on how best to serve clients and how to structure an optimum legal service delivery system in the city of Philadelphia. PLA concentrates on direct individual client services and CLS handles a combination of

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² Recommendations in this report will have three numbers and will immediately follow findings. The Roman numeral references the Performance Area, the second number corresponds to the finding, and the third number is that of the recommendation.

impact and individual case work. PLA intake includes walk-in, telephone and outreach while CLS continues with primarily walk-in intake and some limited telephone intake for landlord tenant cases. While both programs currently coordinate to provide optimum service to clients, they believe that they could provide service more efficiently. Both executive directors have a similar basic vision of the attributes of an excellent legal services program. Both programs believe that now is the time to review their relationship and determine if there are more strategic and efficient systems for serving clients by improving coordination and collaboration.

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The programs seek to improve accountability between executive directors, boards and community. As a step in this planning the two programs adopted board structures consisting of overlapping members in all but three positions. The programs will continue the strategic planning throughout 2010.

This endeavor and the needs assessment is a tremendous opportunity for the program to engage in a self-evaluation and recognize its achievements while observing the areas in which change is appropriate.

Recommendations:

I.4.2. PLA should continue its strategic planning and use the process as an opportunity to assess the effectiveness of its advocacy and other services to the client community and to make adjustments to its delivery system.

I.4.3. PLA and CLS should periodically review the board structures to evaluate if these structures are operating to accomplish the desire to improve accountability between executive directors, boards and community.

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

Criterion 1. Dignity and sensitivity.

Finding 4: PLA conducts its work in a way that affirms the dignity of clients and is culturally and linguistically competent.

Philadelphia has a diverse population and the client community communicates in a variety of languages. PLA has policies in place to address the needs of clients with limited English proficiency. PLA has fourteen staff members that are bilingual in Spanish and English. They include five attorneys and eight paralegals as well as the receptionist. Other staff members speak Portuguese, Korean, Nepali, Hindi, and Urdu. One uses American Sign Language. Language Line is used to supplement staff when a caller speaks any other language. Intake staff members understand the LEP policy and know how to use Language Line if necessary. The staff reflects the diversity of the community served and is sensitive to the cultural diversity of the client community.

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Interviews with staff members disclosed a programmatic policy of keeping clients informed of the status of their case and concern for clients' well being. The interviews with community agencies, judges and other service providers revealed that PLA treats clients with dignity and sensitivity.

Intake

Finding 5: PLA uses a combined walk-in/telephone intake system as its primary client access point.

PLA has several intake portals that include walk-in, telephone, referral from other organizations and outreach. Applicants may get access to intake by walking into the PLA office Monday and Wednesday between 9:00 a.m. and 11:30 a.m. for general intake. General intake includes those seeking help with public benefits, unemployment compensation, consumer, some housing and other miscellaneous priority issues that may be referred to one of the Private Attorney Involvement (PAI) subgrantees. General telephone intake is Tuesdays and Thursdays, 9:30 a.m. to 12:00 p.m. Family law intake and screening is conducted by telephone only on Monday, Wednesday and Friday, 10:00 a.m. to 12:00 p.m. The Consumer-housing intake system, Save Your Home Philly Hotline, is open twenty-four hours a day, seven days a week.

General Intake

The general intake unit staff interviews all applicants that come into the office Monday and Wednesday and who call Tuesday and Thursday during intake hours. When an applicant first arrives she receives a copy of a one page document titled *Welcome to Philadelphia Legal Assistance* that explains what the program does, the intake process, legal problems it handles and the potential waiting time prior to an interview. The applicant also receives an intake questionnaire requesting eligibility and case type information.³ The receptionist has all the applicants sign in and records their time of arrival and time they are seen by a paralegal. On an intake day when we were on site, the first three applicants were interviewed a few minutes after they arrived. The wait time then increased and varied but averaged about 30 minutes. Twenty-nine new applicants were interviewed.

On Tuesday and Thursday, the applicant calls between 9:30 a.m. and 12 p.m., leaves call back information and the intake staff returns the call. There is no immediate contact with the intake staff and the applicant at the time of the initial call.

The general intake unit serves a significant intake function for VIP and CBAP. Cases marked for referral to the PAI subgrantees are reviewed by the managing attorney prior to referral.

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³ Both the Welcome to Philadelphia Legal Assistance and the questionnaire are available in Spanish.

Family Law Intake

Applicants to the family law telephone intake will hear prompts for divorce, support, custody and protection from abuse. They leave relevant information and receive a return call within two days from a paralegal to conduct an eligibility interview and gather information for a weekly case assignment meeting at which time cases will be assigned to a PLA family attorney for representation, advice and brief service, or the Custody and Support Assistance Clinic (CASAC) volunteer,⁴ for *pro se* assistance or referred to other organizations including the VIP. It appears that the paralegals at times give advice under the supervision of an attorney to the applicants during the intake calls.⁵

Public Benefits Intake

The public benefits unit participates in the telephone and walk-in general intake process. A public benefits unit paralegal is available to interview walk-in applicants on Monday and Wednesday and to interview telephone applicants on Tuesday and Thursday. CLS refers some SSI cases to this unit, which the supervising attorney assigns to the staff attorneys. The unit also receives some welfare cases from the CLS welfare line and two days a week participates in the hotline by making call-backs to applicants. The two experienced paralegals that specialize in unemployment cases are assigned cases by the applicant's zip code. Advocates are assigned cases according to their area of expertise.

Save Your Home Philly Hotline Intake

The SYHP Hotline has six full-time paralegals. Two are bilingual in English/Spanish and one is fluent in Hindi, French and Urdu. The SYHP Hotline is always open to receive calls twenty-four hours a day, seven days a week. Paralegal staff members are available to receive calls between 8:00 a.m. and 6:00 p.m., Monday-Friday, and on Saturdays during the hours that coincide with the City's mortgage foreclosure diversion project door-to-door outreach effort.

When an applicant calls the hotline a paralegal collects eligibility information and enters it along with demographic and case-specific information into PLA's case management system and schedules an appointment with a housing counselor who work at different organizations.⁶ The hotline staff must be knowledgeable about the mortgage foreclosure process, the programs available to help clients and which cases are most appropriate for referral to PLA, CLS, [Philly VIP](#) or the Philadelphia Bar Association.

⁴ The Custody and Support Assistance Clinic (CASAC), is an independent project operated by law students attending the University of Pennsylvania [School of Law](#) and housed at PLA. CASAC assists people to prepare basic and complex motions and pleadings. Clients contacting PLA are referred to CASAC when students are available. PLA staff provides [training and](#) oversight of the students.

⁵ At time of heavy intake staff attorneys also return intake calls.

⁶ An applicant that qualifies for the SYHP program will be referred to a housing counseling agency as part of the city's mortgage diversion program.

Compliance and Enforcement (OCE) approved sub-grant agreements between PLA and VIP, CBAP and HAP for the period January 1, 2010 to June 30, 2010, contingent on PLA's successful completion of corrective actions specified by OCE. On June 14, 2010, OCE approved the extension of all three subgrant agreements to December 31, 2010.

Philadelphia Volunteers for the Indigent Program

VIP was founded in 1981. VIP receives referrals from PLA, CLS and approximately 23 other organizations. VIP has 11 full time staff and ~~three~~ part time staff. PLA intake staff interview applicants, and after a review by the intake manager, appropriate cases are referred in hard copy to VIP. There is no ability to electronically transfer cases from PLA to VIP. VIP has a 36 person Board, including the executive directors of PLA and CLS. The 2010 subgrant amount is \$204,289.

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In the course of PLA's intake system, PLA staff members screen eligible applicants that present priority legal issues in which PLA does not have the resources or expertise to provide adequate representation. After a thorough screening for eligibility, and review by the intake supervisor the intake staff refers those applicants to VIP, CBAP and on a few rare occasions to HAP for representation.

Currently, most of the cases handled by the VIP volunteer attorneys are in the areas of mortgage foreclosure, consumer litigation, family law, tangled title and transactional small business and nonprofit cases. VIP has five staff attorneys and 352 volunteer lawyers available to take cases. In 2008 and 2009 VIP helped over 4,000 clients with legal issues. This included both brief and extended service. In 2009 VIP referred the following 985 cases to private attorneys: 400 mortgage foreclosure; 128 family law cases; 100-tangled title cases; 100 wills and 110 cases involving nonprofit law.

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The Consumer Bankruptcy Assistance Project

CBAP was created by consumer and business bankruptcy lawyers, member of the Eastern District of Pennsylvania Bankruptcy Conference, Community Legal Services, Inc., and the Philadelphia BAR Association's VIP. The CBAP has 39 Board members. Attorneys, paralegals, and law students volunteer through CBAP's Fresh Start Clinic to provide direct, pro bono legal representation to the indigent seeking to obtain the protection of Bankruptcy Court. CBAP trains attorneys, law students, and paralegals who provide direct representation to clients in chapter 7 bankruptcy. Volunteers handle their case from the initial interview to the final discharge.

CBAP does not do direct intake. PLA, CLS and others refer clients. Some PLA paralegals do bankruptcy intake and refer clients to CBAP. At the time of our visit, the CBAP program had 169 open cases referred to it by PLA.

prove itself to the legal, social services and client community to become an equally respected provider. The executive director provided the leadership to help PLA find its position in the legal services community.

The executive director is supported by a dedicated and experienced staff. She is recognized as an effective leader and recognized as the program's leader. Her visibility in the community enhances the esteem of PLA. Stakeholders and judges recognize her as a leader. She is active in the Philadelphia Bar Association's Delivery of Legal Services Committee. She served on the Association's Chancellor's Task Force on Civil Gideon, where she chaired the Housing Working Group. She is also active in the Pennsylvania Project Directors Association.

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Criterion 3. Overall management and administration.

Finding 16: PLA management is in the hands of a small management team.

The program has an experienced management team that includes the executive director, managing attorney, finance director and intake supervisor. They have all been with PLA since its inception and with CLS prior to their employment at PLA. They bring significant experience and knowledge of the service area to their positions. The management team appears to make the decisions, after limited input from the staff. The management team meets as needed without any regularly scheduled management meetings. The job duties of the finance director are well defined. The managing attorney functions as the trouble shooter and ultimate supervisor of the general intake system, taking cases he chooses when necessary and reviewing cases sent to the PAI programs. He does not manage the work of the supervising attorneys. The current plan is for him to reduce the time spent in his current activities and manage compliance and oversight issues for the PAI programs. The intake supervisor runs the day-to-day operations of the intake system, ensuring coverage and consulting with and advising staff on appropriate response to intake issues. The program does not conduct periodic evaluations of administrative operations.

Recommendation:

IV.16.14. PLA should conduct at least annual evaluation of its administrative operations.

Technology

Finding 17: The program's technology is very good to excellent.

Program staff is comfortable with technology and uses it to help them to perform their job functions with increased efficiency. All staff has reasonably up-to-date computers, on-line research capacity, internal and external email and Internet access.

The program has two IT specialists assigned to technology and the Hotline Administrator is also very knowledgeable in this area. The SYHP hotline technology is innovative and impressive.

PLA has an Inter-Organizational Technology Committee that meets on a quarterly schedule and is comprised of staff from VIP, CBAC and HAP and PLA's IT director to discuss the technology needs of the PAI programs. PLA also has a computer committee comprised of advocates, the executive director and IT staff that meet on a quarterly basis to discuss technology needs of the staff, how to better use technology to benefit clients and advocates and determine how to best achieve these goals.

Criterion 4. Financial Administration.

Finding 18: The program's financial policies, procedures could be improved.

PLA's fiscal department consists of a finance director who is supported by the office/payroll manager. LSC appreciates what the program has accomplished in the financial area with limited resources. PLA does not have adequate segregation of duties and internal controls. The Finance Director, the Executive Director, and three additional staff, two of whom are support staff, all have authorization to sign checks.

The Finance Director has too many responsibilities. These include responsibility for the accounting system, human resources, approvals of salary advances, performance of bank reconciliations, preparation of checks for payment, signing checks, mailing or distributing checks, and posting entries to the check disbursement journal. The finance director also maintains control of blank checks, receives cash and checks, posts to the cash receipt journal, endorses checks for deposit, and receives duplicate cash receipts.

Formal financial statements are prepared for Board meetings, meetings of the Audit and Finance Committee and regularly for the Executive Director.

Deleted: It does not appear that monthly financial statements are prepared and distributed to the finance committee and to the executive director.

PLA has an accounting procedures manual that follows standard procedures and was reviewed by the assessment team. The assessment team has a concern over the lack of segregation of duties. There are too many opportunities for simple mistakes caused by one person wearing too many hats.

The team found that there is a failure to segregate duties, particularly in the areas of accounts payable and accounts receivable. There is some segregation of duties in other areas. The office manager submits timekeeping records and conducts the bank reconciliations. Contractual payments (e.g., rent, utilities) are processed in the normal course and do not require multiple levels of review. Requisition of any payment for supplies requires review and no one person can initiate, take delivery of and/or pay for supplies/equipment. Instances in which the petty cash fund can be used are very limited. Nearly all significant reimbursement requests are processed as expense reports.

In an effort to ensure additional checks and balances, the PLA Board has a Finance and Audit Committee, which meets prior to each Board meeting. PLA has also

made it a practice to inform the Board of any significant expenditure that may or may not have been budgeted (an example of an unbudgeted purchase would be an unanticipated replacement of a major piece of equipment).

The executive director reported that the program staff had participated in a fraud training seminar conducted by the LSC Office of Inspector General. In addition, the program is presently recruiting for a part-time assistant who will work with the finance director. The draft job description that the review team was provided is more directed to benefits administration. The duties listed are appropriate, but perhaps some can be assigned to another PLA staff member, such as the office manager.

Support Staff Training

It appears that key staff members have access to outside information, such as the Management Information Exchange ("MIE") list serve, as well as electronic newsletters from law firms and benefits consultants. The training needs tend to be satisfied on an ad hoc basis, by using local consultants and/or members of the Board of Directors.

Staff feels that they have access to trainings in key areas such as finance and HR and that the program commits any needed resources.

Deleted: While the staff appears to be sensitive to what is needed to "get the job done," there is a struggle or tension between a formal, outside training program on key areas such as finance and HR, and having the time and funds available for such programming.

Recommendations:

IV.18.15. PLA should re-visit the job duties for the planned part-time assistant for the finance director, to address the segregation of duties in the A/P and A/R areas.

IV.18.16. PLA should enlist the outside accounting firm to conduct periodic reviews of the payroll and IOLTA trust accounts as an informal, mid-year review, or "roll-forward" analysis. (Note: John this recommendation can be removed. PLA already has been using and outside accounting firm to conduct a pre-audit accounting of its books and records each year for the past couple of years.)

IV.18.17. PLA should investigate more formal outside training on key areas of finance and HR/benefits administration. Perhaps this can be done in conjunction with the Bar Foundation and other grantee agencies.

IV.18.18. PLA should adopt internal controls that require a segregation of duties that ensure no one employee can initiate, execute and record a transaction without a second independent individual being involved in the process.

Criterion 5. Human Resources Administration.

Finding 19: PLA does not have a separate human resources department.

The human resources duties are concentrated in management and usually the executive director and finance director. The finance director and office/payroll manager administer the employee benefits such as salary, healthcare, and 403(b) plans. During

Philadelphia is fortunate to have many legal resources available to low-income clients. However, all of those resources are still insufficient to adequately address the legal needs of the eligible community. The program's priorities take into account the other resources available and address the fundamental legal needs of the client-eligible population. Its delivery system, overall, is reasonable, sound and effective. In addition to direct legal services, the program's services encompass community education, pro se activities, collaboration with local, regional, state and national partners and private attorney involvement.

The program's strategic planning process with CLS is an invaluable opportunity to enhance its overall understanding of its accomplishments and give it guidance for addressing any necessary changes in the delivery system.

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

Finding 23. PLA works actively with its equal justice partners throughout the region and state to strengthen Pennsylvania's legal services delivery system.

PLA is an active participant in the regional and statewide justice community and legal services delivery system. The program has provided leadership in the area of mortgage foreclosure diversion by coordinating with Community Legal Services and the court in establishing the SYHP hotline. A number of other counties throughout the state have looked to the Philadelphia experience when establishing similar diversion projects. PLA partnered with Southeastern Pennsylvania Legal Services in promoting the I-Can E-file project in the Philadelphia area.

The executive director is an active member of the state Project Directors of Pennsylvania and many of the program advocates serve on statewide taskforces. A core function of the Project Directors' meetings is to discuss and improve the statewide delivery system. PLA's executive director is active on the Philadelphia Bar Association Delivery of Legal Services Committee. The goals of the committee include expanding legal services for the poor, improving the quality of those services, and leveraging the work of public interest law firms by forging partnerships with the private bar to expand delivery of legal services to those in need.

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