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April 24, 2012

Mr. Mark Freedman  
Senior Assistant General Counsel  
Legal Services Corporation  
3333 K St. NW  
Washington, D.C. 20007

RE: Draft Program Letter 12-1

Dear Mr. Freedman,

The three LSC-funded programs in Illinois are writing to comment on draft Program Letter No. 12-1 concerning financial eligibility screening guidelines. LSC, through its TIG program, is a national leader in the legal community in promoting use of new technologies to improve and expand services to clients. As we are working to implement online triage and intake in Illinois, we appreciate LSC's effort to stay ahead of the curve by clarifying eligibility screening in the online intake context.

While guidance such as Draft Program Letter 12-1 will be helpful, it is important that unnecessary requirements not be added to the online intake process that could defeat the efficiencies of new technologies. The Illinois programs are planning to integrate online intake with our current telephone intake systems, and at this time, we contemplate following up with online applicants prior to making a final determination that the applicant is financially eligible. We appreciate the Program Letter's broad description of the types of direct follow-up permitted. We do not intend to make any direct inquiry of applicants rejected as financially ineligible through the online intake process, and it would be helpful for the Program Letter to affirm that is not necessary.

However, we do not think the Program Letter should require direct follow-up if there no reason to doubt the financial information provided. There is no current requirement in 1611 or other regulations, or in the LSC CSR Handbook, that a program must engage in "sufficient direct follow-up with the applicant to confirm that the applicant understood those questions determinative of eligibility". Section 1611.7(a)(1) requires only "reasonable inquiry", but nothing indicates the inquiry must be performed by direct follow up. Section 1611.7(c) only requires an "appropriate inquiry to verify information...if there is substantial



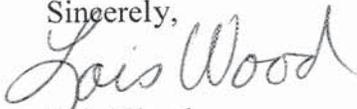
reason to doubt the accuracy of the financial eligibility information provided". It is not possible to contemplate all of the ways in which online intake will be used to improve program efficiency, such as referral to pro bono lawyers or limited service models. But, requiring "direct inquiry" in every case could defeat the efficiencies of the online system when the system itself has been designed to make a "reasonable inquiry" into the applicant's financial eligibility.

We can envision situations with online intake where it would be clear that the applicant's responses to financial questions are accurate and complete and direct inquiry would be unnecessary. While household situations vary for applicants, there are many where the financial information would not be complicated. The many online intake systems being used and those under development are employing techniques designed to solicit accurate information and reduce errors, and they are tested with users before implementation to ensure that users can understand and answer the financial questions.

Finally, the use of the term "applicant" is unclear in paragraph 2. As a practical matter, there is usually one person applying on behalf of a household that could also include a spouse and children, unmarried partner, three generation family, or other variations. As currently written, paragraph 2 could be read to require inquiry of every adult member of the household. It would be preferable to provide for direct inquiry with only the applicant regarding the "household's eligibility" or similar clarification.

Thank you for the opportunity to comment on this Program Letter and for LSC's ongoing support of use of new technologies.

Sincerely,



Lois Wood  
Executive Director

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Executive Director  
Prairie State Legal Services

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