

January 5, 2012

Evora A. Thomas  
Program Counsel  
Legal Services Corporation  
3333 K Street NW, 3rd Floor  
Washington, D.C. 20007-3522

**RE: Central Minnesota Legal Services, Inc.  
Recipient #524020**

Dear Ms. Thomas:

Thank you for the opportunity to review the draft report from the Office of Program Performance (OPP) visit on October 3-7, 2011. We have reviewed the draft report. We appreciate the feedback and the time team members spent with our staff and partners. We do have some factual corrections and several requests to offer, and will follow the format of the draft in making them.

**Factual Corrections:**

**Program Overview**

**Program Overview Correction (Page 1):** Beginning in 1982, Mid-Minnesota Legal Assistance (MMLA), a separate legal service provider *serving the same counties* as CMLS at the time. . .

**Minneapolis** *serving Hennepin and Anoka counties*  
430 First Avenue North, Suite 359, Mpls, MN 55401  
phone: (612) 332-8151 • Hennepin clients: (612) 334-5970 • Anoka clients: (763) 783-4970 • fax: (612) 334-3402

**St. Cloud** *serving Benton, Chisago, Isanti, Mille Lacs, Morrison, Sherburne, Stearns, Todd, Wright counties*  
830 West St. Germain, Suite 309, P.O. Box 1598, St. Cloud, MN 56302  
phone: (320) 253-0138 • clients: 1-800-622-7773 • fax: (320) 253-9208

**Willmar** *serving Big Stone, Chippewa, Kandiyohi, Lac Qui Parle, Lincoln, Lyon, Meeker, Renville, Swift, Yellow Medicine counties*  
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**Explanation:** MMLA's main office was in Minneapolis but in 1982 it had offices in four communities outside of Minneapolis. At the time, the two programs served the same counties.

**Last sentence:** it was MMLA who chose to end the sub-grant with CMLS and this occurred in April of 1996 when the appropriations process for fiscal year 1996 was finally resolved. The main factor that caused MMLA to end the contract was the new regulation 1610- and restrictions on private funds. The programs did some joint planning at the end of 1995 in anticipation that this regulation would likely be enacted.

**Finding 2 (page 5, third paragraph):** CMLS employs a complex arrangement with MMLA for determining which case types and subsets... Similarly it is unclear whether the case types assigned to each program takes into account the current range of eligible applicants and case activities permitted by the LSC Regulations.

**Factual correction:** The terms of the allocated resources between the two programs were based upon what was known about the new LSC restrictions. The case types assigned to each program do take into account the current range of applicants and case activities permitted by LSC Regulations. For example, CMLS staff has trained MMLA staff on the ability of CMLS to accept clients who, as crime victims, have permissible eligibility pursuant to changes made in the Violence Against Women Act. MMLA intake staff will frequently talk to the CMLS attorney of the day or the FLIRP to determine whether an applicant is eligible for referral to CMLS. For example intake staff will consult with the CMLS attorney before the referral is made if the client is undocumented to see if the case fits within an exception or if the legal problem is a termination from public housing because of drug conviction. In instances where it is determined that the applicant is not eligible under the LSC Regulations, the case is not accepted as a referral by CMLS.

It is true that CMLS in planning with MMLA has decided to focus on a smaller range of legal issues. While CMLS does focus on family law and housing law, this is not based on staff preferences but based on, in addition to what's permitted under LSC regulations, the fact that CMLS is a much smaller organization (MMLA has over 40 lawyers) and needs to focus on a smaller number of legal problems in order to represent clients competently and efficiently. The CMLS priorities for the Volunteer Attorney Program under 1620 are broader and thus an important part of how CMLS addresses a broader range of legal problems of clients.

CMLS has branched out into other areas based on client need where it has a greater expertise than MMLA. In particular, CMLS has developed an expertise in representing clients who experience revocation of licenses to work in facilities monitored by the Department of Human Services.

**Finding 4 (Page 7 First paragraph, Third sentence):** should read – “In 1995, the two organizations and their respective boards of directors were involved in approving the

decision on how client intake would operate when the appropriations process for 1996 was completed and MMLA acted on its decision to end the subgrant arrangement.”

**First paragraph:** Suggested clarification and addition: CMLS does have designated intake workers in each office. If a client does contact CMLS initially and meets a CMLS priority, CMLS intake staff will do conflict checks and complete intake interviews without insisting that the client contact MMLA.

**Finding 4 (Page 8 First paragraph):** Applicants who call CMLS directly are generally directed to call the MMLA intake number during its hours of intake. Exceptions are made for referrals to the Father’s Project and sometimes in St. Cloud when MMLA’s intake is close.

**Factual correction:** Applicants from *Hennepin* County who call CMLS are generally directed to call the MMLA intake number. Applicants from Anoka County who call CMLS have an intake conducted at that initial call. Exceptions are made for referrals from CMLS partnering organizations such as referrals from the Volunteer Lawyers Network for license disqualification cases, referrals from the Father’s Project, Alexandra House, House of Peace, ...and if convenient for the client CMLS will perform the initial intake without referring the call to MMLA.

**Finding 4 (Page 8):** It appears that the CMLS intake system currently has many variables that influence the course of the intake. More importantly, by depending on MMLA to serve as the primary portal for access to CMLS services, reliance is placed upon MMLA to analyze the legal problem and corresponding case type of the applicant. This results in MMLA exercising primary control over the cases that will be referred to CMLS for legal assistance.

**Factual correction:** By utilizing the attorney of the day system for housing and benefits cases in the downtown office, all cases coming into MMLA on days where CMLS attorney serve as the attorney of the day are automatically referred to CMLS.

As stated above, CMLS trains MMLA intake staff on the case priorities of by CMLS. The programs work collaboratively on deciding what cases are referred to CMLS.

**Finding 5 (Page 9):** After CMLS receives the referral, staff initiates the intake process with a review of information previously provided to MMLA by applicant. CMLS staff report that they must first send an email to MMLA requesting that they do a conflicts check. CMLS has to wait for MMLA to check for conflicts before they can complete their intake and process the case, which creates delays.

**Factual correction:** If the referral came from MMLA or SCALS then no conflicts check needs to be done as it was done prior to the referral. Conflict checks from partnering organizations require a conflict check to be done by both CMLS and MMLA, but the turnaround for conflict checks is generally within a few minutes since conflict checking

is done electronically in the case management system and thus does not cause an extended delay.

**Finding 8 (Page 10 First paragraph):** The volunteer coordinator contemplates retiring in 2012. At the time of the visit, plans had not been finalized to determine how her replacement will be identified and/or duties restructured.

**Factual correction:** At the time of the visit, the volunteer coordinator had not given written notice of her retirement nor had she identified a specific date for retirement. The coordinator submitted her resignation letter November 4<sup>th</sup>, effective April 30<sup>th</sup> and a transition plan has been developed.

**Finding 9: (Page 10 First paragraph, last sentence):** Replace CMLS with “The statewide client website, **LawHelpMN.org**, supported by CMLS...”

**Finding 11 (Page 11 First sentence):** “Intake systems, case acceptance procedures, and case assignment procedures vary by substantive area and by Office.”

**Factual correction: Second sentence:** This mix of practices is based on the priority division between the office and differences in staffing. There are fewer attorneys AND support staff outside of the Minneapolis branch office.

**Finding 11 (Page 12):** Legal work is supported by a number of internal systems; however the line item for direct litigation expenses included in the budget for 2011 is quite low at \$3,100.00.

**Factual corrections:** It should be noted that CMLS attorneys do frequently request, and are granted, supplemental In Forma Pauperis Orders pursuant to a state statute requiring the courts to cover the costs associated with direct litigation, including for depositions costs, transcript costs, appeal costs, custody evaluation and guardian ad litem costs. In addition, in an effort to keep litigation costs low, CMLS often negotiates for in-kind witness fees from expert witnesses and/or waiver of some expenses like medical records expenses from area hospitals.

Costs for interpreters who may be used in court proceedings are a separate line item and the budget for this item in 2010 was \$23,000.

**Page 12, paragraph 3 second to the last sentence:** “...however, all staff are not required to attend.”

**Factual correction:** All staff are required to attend program meetings unless there is a court-related scheduling issue that prevents attendance.

**Page 12, paragraph 4:** CMLS requests that some additional information be included. For example, CMLS has one staff attorney and one part-time paralegal assigned to the Stearns County Law Library Pro Se Project in St. Cloud and the client contacts are reported entirely as matters. In 2010, this Project recorded 4,487 contacts with clients,

3,281 in person contacts and 1,148 by phone. As part of the project's design, no client contact gets captured as a case. Yet including these casehandlers as if they were to handle cases like other attorneys skews the CMLS average and fails give proper credit to the huge importance of this service to the St. Cloud area.

**Recommendation III.1.11.2 (Page 12):** As resources allow, CMLS should budget additional funds to support litigation expenses and engage in internal training on the effective use of such resources.

**Response:** CMLS has entered into a contract for Litigation Director services from MMLA on an as needed basis to be used by all CMLS staff and all offices. The MMLA attorney has been informed of 1635 requirements.

CMLS does train staff on the use of depositions and mental health evaluations. Several staff attended such training in the last year as part of individual training plans.

**III.1.11.5 (Page 13):** CMLS should convene staff annually to review results achieved for clients over the preceding 12 months and to strategize as to potential changes in the delivery of services to clients that may improve the quality and effectiveness of the representation received by the clients.

**Response:** CMLS has a mandatory annual meeting where results are highlighted. Staff attorneys have been asked to present a case where they achieved good results for clients. Staff must attend unless they have a court- related scheduling issue and can't change the court date.

**III.1.11.6 (Page 13):** CMLS should explore best practices within the program as regards electronic calendaring and tickling and should develop and follow a uniform electronic system of calendaring and tickling cases (manual systems may still serve as redundant back-up systems).

**Response:** Staff is reminded frequently that they need to make sure that they are calendaring. The St. Cloud office has been using the client database, PM and the workflow program. CMLS downtown staff uses primarily Outlook. All staff will be moving to Outlook for calendaring and tickling as the Practice Manager program will be discontinued in 2012 and it is anticipated that SharePoint will be used and the calendaring will be through Outlook.

**Finding 12:** CMLS achieves substantial benefits for individual clients yielding some systemic solutions for other low-income people who may face similar legal problems:

**Factual correction to second paragraph, last sentence:** Change "128" to "83" and insert a period after "hours". Add: CMLS filed a petition for certiorari in the state Supreme Court regarding unemployment insurance claims of 30 Muslims and worked cooperatively with pro bono private sector attorneys in challenging the settlement of a putative class action against *Gold'n Plump*. These were individual actions joined together for litigation purposes.

**Recommendation IV.3.20.1 (Page 20):** CMLS should generate comparative closed case reports of the cases closed by its staff attorneys.

**Response:** CMLS does in fact generate comparative closed case reports and shares them with staff. Staff is informed of their case closings during evaluations. The misunderstanding here maybe that the Executive Director gives the Board quarterly statistics on comparative data for the Volunteer Attorney Program given the Board's special interest in pro bono. Comparative case closing data has not been presented to the Board in the same manner but it is generated and used in planning case work for attorneys.

The most recent comparative closed case report of staff was done in July 2011, prior to the LSC visit. The next will be done at the end of the year.

**IV.4.25.1 (Page 23):** CMLS should consider adjusting its collaborations with MMLA to address shifts in funding and staffing capacities of the two organizations.

**Response:** The Executive Director has raised this issue with the new Executive Director of MMLA who has expressed an interest in collaborating on a priority setting process and doing some strategic planning. CMLS staff has attempted to address this issue with the MMLA Executive Director and the MMLA Deputy Director in St. Cloud. Additionally, the supervising attorney in Minneapolis and the managing attorney in St. Cloud have attempted to raise priority setting and joint conversations about priorities to their respective counterparts at MMLA. CMLS will continue to raise this with MMLA in an effort to adjust collaborations. We will follow up on the expressed commitment of the new MMLA Executive Director to do a joint priority setting process this year and some strategic planning with CMLS.

Sincerely,



Jean A. Lastine  
Executive Director

Cc: Daniel R. Tyson, President  
Board of Directors  
Central Minnesota Legal Services, Inc.