

MISSISSIPPI CENTER FOR LEGAL SERVICES CORPORATION

servicing 43 counties

"Equal Justice For All"

March 18, 2013

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Mr. Willie Abrams
LSC Program Counsel
Legal Services Corporation
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520 E. Pass Road, Suite J
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(228) 896-9151
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RE: Response to Draft Program Quality Visit Report
Recipient No. 625071

Dear Mr. Abrams:

The Mississippi Center for Legal Services (MCLS), hereby addresses significant factual inaccuracies contained in the Program Quality Visit Report. In accordance with your correspondence dated March 7, 2013, MCLS does not respond to recommendations at this time. We assert that certain recommendations may be based on inaccuracies or a misunderstanding of facts or circumstances. We welcome the opportunity to address same with you prior to a final determination of recommendations to be imposed.

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414 South State Street
Suite 300 (39201)
Post Office Box 951
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(601) 948-6752
(800) 498-1804
Fax: (601) 948-6757
Fax: (601) 948-6759

A. Significant inaccuracies contained in the Summary of Findings:

1. Last paragraph, page 6

STATEMENT: The Jackson Office has a Spanish speaking staffer who serves as a part-time intake worker, outreach worker, and paralegal.

RESPONSE: The Spanish speaking staffer is assigned to the telephone intake call center (TICC), not the Jackson office.

McComb Office
221 Main Street (39648)
Post Office Box 575
McComb, MS 39649-0575
(601) 684-0578
(800) 498-1804
Fax: (601) 684-0575

2. First paragraph, page 7

STATEMENT: The program does not appear to work closely with a variety of community groups, such as homeless and domestic violence shelters.

Meridian Office
2305 Fifth Street
2nd Floor (39302)
Post Office Box 1931
Meridian, MS 39302-1931
(601) 693-5470
(800) 498-1804
Fax: (601) 693-5473

RESPONSE: MCLS has a long standing and productive relationship with several community groups. These groups include, but not limited to, the domestic violence shelters in the Hattiesburg and Gulfport areas, local community action agencies, the Department of Human Services, WINN Job Centers, housing counseling groups such as Housing Education and Economic Development (HEED) and West Jackson Community Development Corporation.

In addition, in 2011, although not funded, MCLS collaborated with The Center for Violence Prevention, Care Lodge Domestic Violence Center, Shelter and Assistance in Family Emergencies, Safe Haven, and Wesley House Community Center, to submit a proposal to the DOJ to establish a Victims Legal Center and related legal services program to provide and coordinate legal services within Mississippi for victims of domestic violence, sexual assault, stalking and dating violence.

3. Last paragraph, pages 7 and 8

STATEMENT: There is significant tension in the Mississippi state justice community and the LSC grantees over a pure pro bono program and the PAI contract attorney approach. This significant challenge has historic votes that are unlikely to be undone in the future.

RESPONSE: MCLS wholeheartedly, and without reservation denies this assertion. MCLS and its successor programs have worked tirelessly over the years to build a strong, mutually respected relationship with members of the state justice community and no significant tension exists on any level. While there may be a very limited number of persons who do not support the payment of private attorneys on a reduced fee basis, this opinion is not widely held.

MLVP has significantly limited its priorities, and the cases the program is able to accept. With the exception of wills, MVLP only accepts family law cases. The program does not accept emergency cases, even where there is domestic violence. The program does not accept contested cases; and recently does not provide counsel and advice through a legal hotline. A small number of private attorneys paid on a reduced fee basis is needed to bridge the gap in cases not provided through MVLP.

B. Significant inaccuracies contained in the Findings, Conclusions and Recommendations:

1. Finding 3, second full paragraph, page 11

STATEMENT: MCLS closed 77 mortgage cases (not involving predatory lending in 2009, 104 in 2010, and 108 in 2011).

RESPONSE: A review of the CMS reflects that MCLS closed 105 mortgage foreclosure cases (not involving predatory lending in 2009, 132 in 2010, and 131 in 2011).

2. Finding 8, page 15, foot notes 17 and 20

STATEMENT: The Mississippi Volunteer Lawyers Project also operates a hotline...

RESPONSE: While this statement was accurate at the time of the visit, MVLP no longer operates a hotline. Calls are referred to the Legal Services' Call Center.

STATEMENT: MCLS' current three TICC attorneys are supplemental by a group of four PAI attorneys.

RESPONSE: In addition to the four PAI attorneys, the three TICC attorneys are supplemented by a paralegal in the Hattiesburg office who joins the TICC remotely and takes calls from the queue 3 days per week. Further, another TICC staffer serves as a paralegal who renders advice and counsel on public benefits.

3. Finding 8, second full paragraph, page 16

STATEMENT: There are five intake workers, assisted by a paralegal in the Hattiesburg office who joins the TICC remotely and takes calls from the queue as needed. There are three attorneys including the managing attorney assigned as an advice advocate.

RESPONSE: There are six intake workers. Also, assigned as advice advocates are two paralegals, one housed in the Hattiesburg office and the other paralegal in the TICC unit.

4. Finding 9, page 17

STATEMENT: The online applications are retrieved and initially reviewed by one of the TICC paralegals.

RESPONSE: Online applications may be retrieved and reviewed by a paralegal or intake worker.

5. Finding 11, first full paragraph, last 4 words, page 19

STATEMENT: ... mainly at Senior Sites.

RESPONSE: Most community education is not conducted at Senior Sites.

6. Finding 11, last paragraph, page 19

STATEMENT: the resource developer attended 19 town hall meetings...that appear to take away valuable time needed for unrelenting, creative resource development.

RESPONSE: Invitations to attend community education outreach events are extended to many local officials, business and other leaders. The resource development coordinator uses these opportunities to network, to educate leaders on the unmet needs and to develop collaborations in order to enhance resource development efforts.

7. Finding 16, second paragraph, page 16

STATEMENT: The caseloads of managing attorneys fell in the low range more than high-caseloads of 25, 26, 30 and 52 were reported for four managing attorneys and a caseload of 104 was reported for the fifth managing attorney.

RESPONSE: At the time of the visit, caseloads for managers, were not typical. In early 2012, in an effort to curb family law cases, the Board of Directors placed added restrictions on priorities. As a result, fewer family law cases were accepted for extended service. Simultaneously, managing attorneys used this opportunity to close family cases to allow necessary time and resources to identify and focus on other pressing case types.

8. Finding 16, last paragraph, page 24

STATEMENT: MCLS' paralegals appear to have relatively low caseloads.

RESPONSE: MCLS' paralegals are assigned job duties beyond maintaining a caseload. Depending on the office, paralegals perform clerical duties, reception functions, housing counseling, outreach and intake to home-bound clients, and other support duties.

9. Finding 17, last paragraph, page 26

STATEMENT: There is no evidence that MCLS managers at the branch office level, the program's executive leadership, or the Board of Directors tracked the number and kinds of family law cases accepted and handled by program advocates following adoption of the strategic plan.

RESPONSE: The Board and executive staff have tracked family numbers since adoption of the plan. At each meeting of the Board, case numbers and case types have been provided to and reviewed by the Board. As a consequence, case priorities and limitations have been amended and significant limitations placed on acceptance of family law cases.

10. Finding 20, last paragraph, pages 28 and 29

STATEMENT: MVLP's pro bono are overwhelmingly involved in the family area. In contrast, the contract attorneys are overwhelmingly responsible for the consumer/finance and housing cases. As to the level of assistance, 79.7% of MCLS' 2011 closed PAI cases involved limited service and only 20.3% extended service.

RESPONSE: MVLP's cases are overwhelmingly family, because as previously stated, with the exception of wills, MVLP has limited its case acceptance to uncontested family cases.

The high percentage of PAI closed cases involving limited service is largely attributable to private attorneys used in the TICC. The nature of their work involves limited service.

11. Finding 20, first full paragraph, page 29

STATEMENT: The MCLS executive director of State Initiatives is responsible for coordinating PAI throughout the program.

RESPONSE: The executive director for State Initiatives coordinates PAI for the TICC. PAI for the branch offices is coordinated by the deputy director.

12. Finding 20, second full paragraph, page 29

STATEMENT: These CLE programs were mainly conducted with one of the program's strategic partners, Mississippi Volunteer Lawyers Project.

RESPONSE: CLE programs were not mainly conducted by MVLP.

13. Finding 21, last paragraph, page 21

STATEMENT: Some staff offered that it is clear that the program's leadership values the casework over community education and outreach.

RESPONSE: Some staff may have this opinion. However, caseloads have been monitored so as to allow time to perform community education and outreach while devoting the required time for casework.

14. Finding 22, second paragraph, page 31

STATEMENT: There is listed a resource development advisory committee of the Board.

RESPONSE: There is no committee entitled Resource Development Advisory.

15. Finding 22, last paragraph, pages 31 and 32

STATEMENT: The Board should consider making participation by telephone and holding some meeting of the full board by telephone... We note that at present the executive committee is authorized to conduct business by telephone by "unanimous consent of its membership."

RESPONSE: MCLS has held some Board meetings by telephone. Article 3. Section 3.2 of its bylaws reads "Any member may participate in a regular or special meeting and the meeting may be conducted through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting."

16. Finding 27, last paragraph, pages 34 and 35

STATEMENT: We were told that the program's vendor has been unable to repair this aspect of the services since December, 2011. As a result, the TICC is unable to monitor the numbers of dropped calls and count the number of calls that reach the TICC by way of transfer from branch offices.

RESPONSE: Improvements have been made to the system. MCLS is better able to monitor calls, including the number of calls into the system, wait times, and dropped calls.

17. Finding 27, first paragraph, page 35

STATEMENT: Footnote #36: While addressing technology and related issues for the program consumes less than a third of the deputy director's time, it appears that her entire salary is included in the 2012 technology budget for the program's internal staffing cost.

RESPONSE: The Deputy Director's salary is NOT and has never been included in MCLS' "Technology Budget"

STATEMENT: MCLS' goal under the "Technology" section of the 2010-2012 strategic plan was to "conduct an assessment of information technology needs in collaboration with North Mississippi Rural Legal Services" to pursue three strategies:

- A. Develop an information technology survey to collect data on technology needs;
- B. Develop and implement a technology plan to address needs;
- C. Evaluate plan outcomes and performance of technology.

RESPONSE: MCLS in conjunction with North Mississippi Rural Legal Services developed a survey to collect data on technology needs and conducted the survey at the 2010 Statewide Conference. MCLSC also conducted an electronic survey using TechAtlas in 2011. MCLS developed a Technology plan (submitted annually to LSC) for the program and a Statewide Technology Plan was developed in collaboration with North Mississippi Rural Legal Services to address the needs.

STATEMENT: In addition, technology was a major concern under the "Need and Access to Legal Services" section of the strategic plan. Goal Statement 33 of that section committed the program to "[utilizing]technology to improve access and deliver of legal

services to clients” through 10 sated strategies. Like the technology promises of the strategic plan above, the “Need and Access to Legal Services” technology goals were not implemented.

RESPONSE: In addition to implementing and completing over 60% of the goals outlined in the paragraph above, MCLSC has implemented 5 (A,C,D,G and I) of the 10 strategies listed in the “Need and Access to Legal Services” section of the strategic plan.

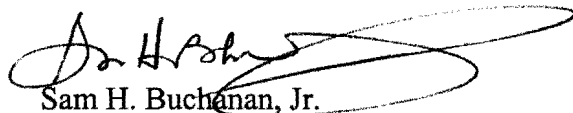
18. Finding 30, next to last paragraph, page 37

STATEMENT: In or about 2004, MCLS in conjunction with the State Bar, launched a bar dues check off campaign which yielded approximately \$100,000. This effort was launched and accomplished by an entity called the Mississippi Legal Services Foundation.

RESPONSE: MCLS and the State Bar have never had a dues check off campaign and \$100,000 was never yielded. On or about 2005, the then Mississippi Legal Services Foundation conducted a private bar campaign. It raised approximately \$49,250.

If you have questions or concerns, please contact me. Thank you.

Sincerely,



Sam H. Buchanan, Jr.
Executive Director, Office of Administration