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February 28, 2013

Janet LaBella, Director
Office of Program Performance
3333 K. Street, NW 3rd Floor
Washington DC 20007-3522

Re: Utah Legal Services' (ULS') response to the Office of Program Performance Draft Report for the Program Quality Visit, October 22 - 26, 2012.

Ms. LaBella:

Thank you for the opportunity to comment on the report following the OPP's visit in October of last year. Our staff and board members appreciated the OPP team's professionalism and expertise in identifying our strengths as well as areas for improvement and for suggesting specific solutions in those areas. The visit was constructive and the recommendations will result in a stronger program and higher quality services for our clients.

There are two recommendations numbered II.1.4.4, one is a Tier One recommendation and the other is not. Because in the attached overview we separated our responses into those two categories we did not renumber the recommendations. More detailed responses to the Tier One recommendations will take place through our annual grant renewal application later this year. Please let me know if you have questions or we can provide further information.

Sincerely,

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Attachment

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Tier One Recommendations

II.1.4.2.* *Data from the online intake system should be kept in a holding tank until after a conflict check is concluded.*

This is our current practice. All online intake information is stored outside our case management system until a conflict check is done manually, then the information is downloaded into the case management system.

II.1.4.4* *ULS should evaluate the integration of the Senior HelpLine into the telephone intake queuing system so that advice may be provided at the time of the initial call. As the consumer unit is developed, similar integration should be considered.*

Our goal is to have clients speak with an attorney or experienced paralegal in their first call to our statewide intake unit. Only a lack of resources has prevented that from occurring in the Senior and Consumer areas. We will examine cross training advocates reas to respond to these calls in order to eliminate the call back option. We note that call backs, while still not the most efficient method, are much more successful with Senior clients than with the rest of our client population.

III.1.10.1.* *ULS should use its sophisticated data tracking and collection system to analyze the allocation of program resources dedicated to the various priority areas and work toward a plan to balance resources with client needs.*

We plan to undertake a strategic planning process involving Board and staff focusing on the allocation of resources to best meet client needs. We will begin that process at our annual Board retreat and review of program priorities in September 2013.

III.1.10.2* *At a minimum, as resources can be reallocated or increased, every ULS office should have staff that are knowledgeable in housing law and are routinely engaging in extended representation of clients in high priority housing cases.*

We agree that no matter where in Utah a client lives they should have equal access to assistance in all practice areas, including housing and extended representation. As part of our planning process we will review how best to achieve this.

III.1.1 1.2* *ULS should develop a system to ensure that case files are reviewed for substance at the time the case is closed.*

Our task force chairs, responsible for the substantive work statewide, review closed cases but due to time constraints that review often becomes a check for funding source and reportability issues rather than a review of substantive work. We find reviews of substantive work more meaningful when performed while a case is open and representation underway. We conduct ongoing reviews of open cases, but acknowledge that those reviews should be more consistently performed and should focus on the quality of services being provided. To address this concern we will adopt a policy on the timing of and content of case reviews, as well as a substantive checklist for use in closed case reviews.

III.1.11.3* *ULS should develop a system for review of written work (content & proofing) and should provide periodic training in written legal advocacy for program staff*

This will be included in the substantive review outlined above but in addition we will implement a protocol for most written work to be reviewed before submission. We have scheduled a day of training focused on writing skills for June 4th, 2013.

III.1.11.5* *ULS should develop a new attorney training protocol.*

While several different protocols are in place, we will combine the current practices of our different task forces along with our new employee orientation and develop an overall protocol for new attorney training.

III.1.11.6* *As part of a strategic planning process, ULS should evaluate the manner in which it provides advice in routine cases and consider alternatives whereby provision of pro forma advice, currently provided by advocates during intake, could be delivered by the website, pamphlet, recording or otherwise, freeing advocate time for more extended and impactful representation.*

We aspire to devote more resources to extended and impact case work and less to short service advice. The suggested alternatives would help achieve that without reducing overall services to clients.

III.1.12.1* *ULS should explore a combination of strategies to provide advocates with opportunities to do more complex work and to produce lasting results for the client community.*

This will be a main component of our strategic planning process.

III.1.14.1.* *ULS should perform a needs assessment of farmworkers in its service area with the aim of expanding its practice to serve non-H2-A LSC eligible farmworkers in traditional farmworker issues, such as wage and hour matters, field sanitation, and unsafe housing.*

We will undertake such an assessment. Similar assessments in the past have always resulted in the highest area of need being identified as immigration law, and so we anticipate continuing to seek, but having difficulty finding, what are considered the more traditional farmworker cases.

IV.1.19.2.* *Recognizing that finding specialized audit services in the geographic area may be challenging, ULS should reinstate the practice of having its auditing firm periodically rotate partners performing the ULS audit within the firm.*

We will ask our audit firm to rotate responsibilities among its partners.

IV.1.19.3.* *To the extent resources permit, the board of directors should undertake a new strategic planning process to address ongoing and emerging challenges related to its funding and other changes in laws and emerging client needs.*

This strategic planning process will begin in September of this year, involving both Board and staff.

IV.3.22.1.* *Since the program depends so much on CFW which is highly customized and supported by one staff person, ULS should ensure that all changes are well documented so as to provide continuity in circumstances when the current technology responsible staff is not available.*

We have created CFWHelp.pdf which we will update to document alterations to the CMS.

Other Recommendations

1.1.1.1. *ULS should consider incorporating additional empirical data and new legislative and regulatory changes that impact the low-income community into its annual evaluation.*

We will do so in our strategic planning process beginning in September 2013.

1.1.1.2. *ULS should plan to conduct a comprehensive legal needs assessment at the conclusion of the current five year priorities review plan in 2016.*

We will consider what form this assessment might take as part of our strategic planning process.

1.2.2.1. *ULS should engage in a forward thinking, "blank-slate," strategic planning process that articulates core values and questions and challenges the program's service delivery systems so as to provide a roadmap for program development over the next 5 years.*

As discussed above, the beginning of such a process is planned for September 2013.

1.4.3.1. *ULS should follow through on the existing plan to implement a comprehensive system of outcome measures over the next 12 months.*

We will work on this but want to benefit and incorporate the work LSC is doing in this arena over the next 18 months.

11.1.4.1. *Intake staff should determine, at least preliminarily, the applicant's legal problem before doing financial eligibility screening to avoid expenditure of unnecessary staff and applicant time.*

Our current practice to filter by restricted case type first, then to gather financial information and then to gather additional information about legal problem. The purpose in gathering financial information even if the legal problem doesn't fit our higher priority levels is to determine whether a referral to one of our legal clinics is appropriate. We acknowledge this process takes additional time for both the potential client and our intake worker, but we have considered it necessary for making appropriate referrals. We are undergoing a review of all our clinic policies as the result of our recent OCE site visit. We will add this issue to those deliberations and consider whether an alteration of our intake process is warranted.

11.1.4.3. *ULS should consider reinstating expanded intake before or after normal business hours, to increase access for working clients.*

We will consider this as part of our overall strategic planning process.

11.1.4.4. *ULS should provide training for its community partners about appropriate referrals and how to use the online intake system, affording them the ability to support their patrons in applying for legal assistance.*

We have incorporated outreach for this purpose as part of our annual priorities review. Last year staff visited over 40 different community partners through this effort. We will consider introducing a webex

presentation scheduled regularly to make this a more common opportunity for partners. Combined with an online survey we could achieve improved results and improved referrals over our current practice.

**Note, there are two recommendations labeled 11.1.4.4, one a Tier One, and one not.*

II.2.5.1. *ULS should explore the increased use of existing (intake) staff and technology solutions to offset the reduction in clerical and other support to the legal advocates*

Agreed.

II.2.8.1. *ULS should review the preformatted materials on the website to prioritize their translations to Spanish and other languages as needed.*

Agreed.

II.2.8.2. *ULS should provide training to staff on how to write and speak plainly for direct communications with clients.*

A portion of our training on June 4, 2013 will be devoted to plain language.

III.1.1 1.4 *ULS should seek out opportunities for program advocates to co-counsel on new, unique or impact advocacy cases.*

Agreed.

III.1.12.2. *As resources can be reallocated or increased ULS should evaluate the value of creating a Director of Advocacy position to coordinate the program's advocacy and to lead ULS's initiative to increase extended, impactful representation.*

We have been generally pleased with our practice of having task force chairs oversee the substantive work in our different practice areas. However, this review and recommendation highlight that by stressing impact work in each unique substantive area we may be missing issues or efforts that cut across our different practice areas and could have a larger impact on the client community. We plan to bring together the task force chairs and others for the specific purpose of identifying and reviewing needs in the client community and what joint efforts would have the greatest impact in addressing those needs.

III.1.15.1. *ULS should evaluate its current priorities for the NAP to assess the necessity for adjustments in light of emerging legal needs.*

Agreed.

III.1.15.2. *ULS should review its cases at closing to ensure that cases involving Native American clients are properly allocated to the Native American grant or other funding sources.*

We have altered the way we are reporting Native American cases to more accurately reflect services provided to this population.

III.2.18.1. *ULS should consider expanding pro bono opportunities for law students and/or attorneys by*

providing ways in which they can assist in intake screening and advice.

We will consider this, although past efforts in this direction proved that the complexity of the intake processes, LSC regulations and internal policies and priorities proved to be a poor match for volunteers. However, it is possible with the built in technological functions now in our process it is worth considering this approach again.

IV.1.19.1. *ULS should continue to search for board members among its traditional client population*

This will remain a high priority for the Board and the program.

IV.1.19.4. *ULS should develop new member orientation to cover information on fiduciary responsibility.*

We will add this content to our new Board member orientation.

IV.1.19.5. *ULS should consider opportunities for client eligible members to become more involved in promoting the program within the client community.*

Agreed.

IV.2.20.1. *The ULS board of directors should develop a leadership succession plan that articulates the requirements for each leadership position; outlines a process for identification and selection of future leaders; and provides for the coaching and mentoring of existing staff with potential to assume a leadership position. SC's LRI website (lri.lsc.gov) contains several examples of succession plans and other resources.*

We will share these examples with the Board and suggest this issue be considered as part of our strategic planning process in September.

IV.3.21.1. *ULS should engage an experienced safety expert to assess the security of its program offices and adopt a safety plan and appropriate equipment to afford reasonable safety to all staff.*

We will task our disaster response group with performing a review of any safety issues in our offices and consider whether engaging an expert would assist in that review.

IV.3.22.2. *The program should implement an automated system for tracking technology support requests from staff, and the solutions to the requests should be compiled into an FAQ to provide easy access to staff that will help reduce reliance on the tech support staff*

We will conduct a review of automated systems and at minimum initiate a searchable compilation of emails responding to technology-related issues. We will ask all staff to email their requests for support to Craig and/or Ken. Craig and Ken will be responsible for determining the general applicability of the support request and whether the response should be included in an area specified for this purpose on the employee side of the ULS website.

IV.3.22.3. *More of the routine pleadings and letters used by the program should be automated using HotDocs and LawHelp Interactive.*

This work is underway and we will continue to expand our use of automated pleadings and

letters.

IV.3.22.4. *The program should adopt procedures to survey the needs of staff and allow them meaningful input into the selection and implementation of new systems.*

Agreed.

IV.4.23.1. *ULS is urged to establish and enforce systems to address personnel related issues.*

While kept confidential, meaning staff are not generally aware of the efforts being made and the actions taken against other staff, these systems are in place and will continue to be used regularly. We have addressed the particular situation giving rise to this recommendation.

IV.4.23.2. *ULS should provide training for managers with supervisory responsibilities to ensure they can properly address and be held accountable for personnel related issues that arise in the normal course of doing business.*

ULS regularly sends managers to the MIE Manager's Conference and to MIE's Supervising Legal Work trainings. In conjunction with a new attorney training protocol we will develop a new manager's protocol that reflects this practice and identifies other trainings and practices to ensure managers are well-trained.

IV.7.24.1. *ULS should develop an overall policy and strategy for fundraising consistent with its mission as part of its strategic planning process.*

As part of our strategic planning process we will task the Development committee of the Board with assisting us to develop such a policy and strategy.