



LEGAL SERVICES CORPORATION

Office of Program Performance

FINAL PROGRAM QUALITY REPORT

FOR

Community Law Office, Inc.

Recipient Number: 253030

November 2 - 4, 2009

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INTRODUCTION

Background on the visit

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Community Law Office, Inc. (CLO) from November 2- 4, 2009. The team members were Tillie Lacayo, OPP Program Counsel/Team Leader and Felipe Chavana, Consultant.

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program including its 2008 grants competition narrative, its 2009 and 2010 grant renewal applications, its case service reports (CSRs) and other service reports, and the numerous documents the program submitted to LSC in advance of the visit. In addition to speaking with CLO staff members, the team talked with several board members, judges, and community organization members, the dean of the Interamerican University of Puerto Rico School of Law (I.U. School of Law), and the prior executive director of CLO, who now coordinates the law school's external clinical programs.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and Regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. Its evaluation is organized according to the four LSC Performance Areas that cover needs assessment and priority setting; engagement of the low income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development and coordination within the delivery system.

Program overview

Since 1981 CLO has provided a full range of legal services to eligible low-income people in the Hato Rey area of metropolitan San Juan.¹ The program's service area covers fifty square miles and has a poverty population of 37,638, according to the 2000 U.S. Census figures. CLO received \$365,459 in funding from the Legal Services Corporation during 2009.

CLO provides civil legal services from its offices located since 1994 at the I.U. School of Law. In addition, CLO operates a Domestic Violence Special Project at the San Juan Judicial Center. The program employs eight attorneys (including the executive director, deputy director, and private bar coordinator) and seven other staff members. In addition and under a formal agreement with the I.U. School of Law, each academic semester CLO staff is supplemented by four to six clinical law professors and their students in providing legal services to the poor, as part of the I.U. School of Law's Clinical Education Program.

¹ By written agreement between CLO and Puerto Rico Legal Services, Inc. (PRLS) in February of 1994, certain wards of San Juan are served by CLO and others by PRLS.

Summary of Findings

CLO is a small, competently-operated program with a relatively new executive director who has shown great energy and a willingness to take on new challenges. She enjoys the support of the board of directors and staff and works well with the other stakeholders in the program's service area and island-wide. Her administrative staff, which includes the deputy director and the administrative director, are highly experienced and are valuable assets to the program.

CLO has a dynamic, engaged, and well-informed board of directors, where attorney and non-attorney board members participate in making policy decisions facing the program.

The attorney staff is experienced, committed to their work, and highly motivated. Both the written work product of the staff attorneys and on-site interviews with staff reflect a high level of advocacy. The legal writings submitted were well-organized and presented, were well-developed factually, and contained effective analysis and persuasive legal reasoning.

Intake, which was limited to two days a week at the time of the LSC visit, has since been expanded by the program. Telephone intake, which should be an available option for all persons seeking services from the program, was only being conducted in exceptional situations. Advice and counsel is generally not provided by phone.

The program's relationship with the law school is an enormous asset, not only because of the in-kind support that CLO receives – including staffing, training, office space, technology, law library resources and security – but also because of the increased case handling capacity and services that clinical students and their professors deliver to the program's clients. Attaining greater technological independence is a stated goal of the program, which is at present heavily dependant upon the law school for its technology needs.

There is a need for the program to do more to establish a clear and independent identity for itself among those communities it serves as the basic field LSC provider. CLO should work, through more effective marketing and outreach, to develop an identity for itself within its client community.

The program has a well-organized PAI component. A significant amount of the program's PAI consists of cases handled pro bono by professors at the law school. CLO needs to begin reporting the legal work that the law school faculty performs on behalf of eligible clients in its PAI case service reports (CSRs).

CLO is working to maintain its base of funding, which is difficult given the current economic and political climate, and is appropriately exploring avenues for new funding. The program works collaboratively with the other organizations and entities throughout Puerto Rico that work with and provide assistance to the low-income population.

PERFORMANCE AREA ONE. *Effectiveness in identifying the most pressing legal needs of low-income people in the service area and targeting resources to address those needs.*

Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.

Finding 1: An assessment of the legal needs of the client population of CLO's service area was last conducted in 2006.

Puerto Rico Legal Services (PRLS) performed a needs assessment for the entire island in 2005, including the CLO service area. PRLS' needs assessment included interviews with staff at various levels of the program, members of its board of directors, members of its client advisory committees, members of the Puerto Rico Bar Association, members of the judiciary, and community leaders. Both current and potential clients were interviewed.

Community Law Office supplemented PRLS' needs assessment in 2006 with interviews with community leaders and court personnel in its service area. CLO has historically had strong relationships with the poor communities in its service area and input obtained from community leaders was utilized in the development of CLO's priorities.

The program's priority areas of law are: family, housing, juvenile rights, public benefits/income maintenance, employment, education (including special education), health, consumer, individual rights, and miscellaneous rights (provision of advice or brief services). Within the aforementioned areas, the program's focus is on those cases that affect children and adolescents; victims of domestic violence; women who are heads of household; women with children; the unemployed; persons over the age of sixty who are disabled, have chronic illnesses, live alone, or lack the support of family or community; persons with HIV/AIDS; and the homeless.

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

Finding 2: The program has a strategic plan, developed by the executive director with input from staff.

The executive director assumed her responsibilities in mid-January of 2009. She developed a strategic plan in June 2009, with input from her staff. Among the plan's goals are increasing funding, increasing community education to educate clients about their legal rights and the services offered by CLO, establishing a website for the program, continuing to improve the quality and delivery of legal services to clients, beginning an updated assessment of legal needs, improving the case management system, continuing to strengthen administrative and accounting procedures, and improving PAI. The strategic plan includes specific objectives for achieving its broader goals. Concrete steps have been taken toward implementation of several of the plan's goals and others have already been attained.

Recommendation I.2.1². The program should continue to develop its strategic plan and as more detail is included in the plan, should consider adopting a more formal system for including staff and board members in the planning process.

Criterion 4. Evaluation and adjustment.

Finding 3: CLO uses traditional methods of program evaluation.

CLO has employed fairly traditional methods of evaluating its success as a program such as a review of program priorities at the end of each year and the extent to which they have been addressed and a review of CSRs.

The program has adjusted its priorities and service delivery to respond to the economic downturn that has had a severe impact upon Puerto Rico. In addition, recent legislation by the government of Puerto Rico has led to lay-offs of government workers, some of which have occurred at agencies that serve the poor, such as Puerto Rico's child support agency and its Office of Special Communities.³ The recession is not only expected to increase CLO's client-eligible population but also to bring about an increase in evictions, domestic violence, the need for public benefits, and contestable job terminations. The program has sent staff to receive training concerning legal issues affecting the poor that are likely to become more prevalent due to the current economy, including job loss.

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

Criterion 1. Dignity and sensitivity.

Finding 4: CLO demonstrates sensitivity to the needs of the client community and to the clients it serves.

The program's office is accessible to the client community it serves. It is located along a major bus route, near one of the largest subsidized housing complexes in San Juan, and within walking distance of Plaza Las Americas, the largest shopping mall in the Caribbean and a popular gathering place. The program's domestic violence project attorneys are located at an office at the San Juan Judicial Center in Hato Rey.

After OCE's visit to the program in 2005 the reception and waiting area was redesigned to allow for greater privacy when the receptionist is on the telephone with persons

² Recommendations in this report are numbered as follows: the Roman numeral references the Performance Area followed by the finding number and by the recommendation number that pertains to the finding.

³ Puerto Rico's Office of Special Communities serves the poorest communities on the island. The office has the objective of helping to provide the communities with basic infrastructure services (i.e. public sewage, water, and electrical services), community centers, and training programs aimed at helping the communities become self-sufficient.

seeking legal assistance. The reception area is now behind sound-proof glass. The waiting area is modern and well-appointed, and contains brochures and pamphlets in a variety of legal areas, as well as a television for persons waiting to be seen. The offices where clients are interviewed are on the first floor and are handicapped-accessible.

The program uses client satisfaction surveys to obtain feedback concerning its services. In addition, client-eligible board members actively provide input to the program from the client community. Community organizations and agency staff interviewed by the LSC team during the visit indicated that clients referred to the program have been very satisfied with the assistance they have received and are appreciative of the services offered by the program.

Interviews with advocates at the program reflect that they are passionate about the issues that affect their clients, committed to their work, and sensitive to the needs of the poor in Puerto Rico.

Criterion 2. Engagement with and utilization by the low-income population.

Finding 5: CLO provides community education to clients in its service area.

Program advocates participate in community education activities and work with community organizations within their service area. However, this has occurred more in the areas of family law, domestic violence and services to the HIV/AIDS population than in other areas of law.

The executive director and members of the CLO board of directors have indicated that they believe the program needs to increase and expand its community education activities.⁴ CLO has already taken significant steps in this direction by entering into an agreement with a well-established and long-standing provider of services to the homeless to sponsor a series of workshops/presentations to homeless persons about their legal rights. The first such workshop was held in November of 2009. The program also held a community forum in August of 2009 attended by nearly 300 members of community groups affected by plans to develop the property where they live.

Recommendation II.5.1: The program should continue expanding the substantive law areas in which it conducts community education, in order to better publicize the range of issues with which CLO may provide legal assistance.⁵

⁴ Though this was phrased in various ways by board members, what emerged from the interviews was a recognized need for the program to make its services more widely known to the client population, a concern that the program's intake system was not seeing the breadth of legal problems that it was felt are present in the community, and a belief that many in the client community are not accessing the program's services, though the need is there.

⁵ See also, Recommendation III.11.1, below.

Criterion 3. Access and utilization by the low-income population.

Finding 6: Intake is extremely limited at CLO; though the program performs initial telephone screening of persons seeking assistance, in-depth intake interviews are conducted in person and only two days a week.

CLO's office hours are from 8:00 AM – 4:30 PM, Monday through Friday. However, intake is extremely limited at the program. Though initial screening is done by telephone, full intake interviews are conducted in person and on only two days a week – one of which is reserved for persons in subsidized housing needing eligibility affidavits. Advice and counsel is provided by phone only if the client is unable to come to the office or expresses a preference for receipt of telephone advice. The domestic violence project attorneys located at the San Juan Judicial Center conduct their own intake.⁶

The initial screening for demographic information and a general description of the legal problem is performed by the receptionist, who then makes an appointment for the caller for the next available intake day, which could be up to a week later. This does not include eligibility screening. The full intake interviews, including eligibility determination, are conducted by the attorneys or by students under the supervision of an attorney. Persons needing affidavits for certification for subsidized housing are scheduled for Wednesday intakes and persons with all other legal problems within the program's priority areas are scheduled for intakes on Tuesdays. Callers with emergencies are attended to immediately, as are walk-ins.

The program also conducts intake on occasion during outreach visits to community-based organizations that serve the poor, such as the intake conducted by law students during the summer of 2009 at an organization in San Juan that serves the homeless. A fair number of persons are referred to the program by the courts and by organizations that work with victims of domestic violence and the HIV/AIDS population.

The program uses a case management system called APLICA, developed for Puerto Rico Legal Services and purchased from PRLS by CLO for its own use. Program staff have been trained in the use of APLICA by information technology (IT) staff at PRLS. The basic information for all cases is entered into APLICA by CLO's receptionist and is later supplemented by program attorneys after a full in-person interview with the client is conducted.

CLO has written intake and case acceptance procedures and has special protocols applicable for intake for HIV/AIDS and domestic violence applicants.

The program gets few applicants who do not speak Spanish well, with English being the primary non-Spanish language spoken. Many of the program's attorneys and some support staff speak English.

⁶ Most persons seeking legal assistance in this area are referred directly from the court or from organizations that help domestic violence victims.

Recommendation II.6.1: The program should begin conducting eligibility screening before making an in-person appointment with an attorney for persons seeking services.⁷ This should minimize inconvenience to applicants for services and ensure more efficient use of attorney time.

Recommendation II.6.2: The program needs to expand its intake days so as to make services more accessible and available to clients. This is an ideal time in which to expand intake days, since the demand for affidavits in subsidized housing cases has decreased due to an agreement reached by the legal services programs in Puerto Rico with the Housing Authorities.⁸ This should be phased in and may require reorganizing staff assignments

Recommendation II.6.3: As part of the restructuring of its intake system, the program should begin providing advice and counsel by telephone in all cases in which it is appropriate to do so, particularly those in which it is clear that the case can be closed with simple advice.⁹

Finding 7: CLO is taking steps to review, assess, and improve its technology capacity, to ensure that proper resources are available to carry out its work; however, technology is recognized by the program as a significant challenge.

CLO staff have computers at their desks. Most of the attorneys are comfortable with and make full use of the technology available to them. The attorneys have access to legal research through Lexis, Westlaw, and Microjuris¹⁰ and have access to the I.U. School of Law library. The program shares the technology infrastructure of the law school – such as LAN, Internet access, and the telephone switchboard – and has acquired APLICA from PRLS for electronic case data entry and preservation. The program states that though this approach to technology has been cost-effective, it has had the effect of making CLO too dependant upon other organizations when it experiences problems with applications or service.

PRLS is currently in the process of developing a web-based CMS that better suits its needs. CLO has entered into an agreement with PRLS to acquire the new CMS once it is operational. When development of the system is complete and it has been installed at CLO, the case information currently on APLICA will be migrated to the new system.

Technology was highlighted by the executive director as an area of concern for several reasons, including its high cost. The executive director states – and the program’s technology plan reflects – that a future goal is for the program to have its own server, independent from that of the law school. The program is also working on development of

⁷ This screening may be performed by non-attorney program staff.

⁸ See Finding 11, below.

⁹ After the LSC visit, and in consideration of recommendations made by the visit team during the exit conference, CLO amended its policy to expand its in-person interview days and to provide for telephone intake and advice.

¹⁰ Microjuris is an on-line legal research tool in Spanish that contains, among other information, case law, statutes, regulations, and treatises applicable in Puerto Rico.

its own website. It has experienced frustration with APLICA, due, in part, to an unresolved printing problem, the cause of which has eluded diagnosis.

It is not currently economically feasible for the program to employ its own IT personnel. To this end, it would like to acquire its own server, hire part-time staff for technology support and retain an external management consultant to assist in IT planning and the development of security procedures. Some goals are, at present, aspirational.

Recommendation II.7.1: CLO may wish to seek guidance from Technology Initiatives Grant (TIG) staff at LSC. Additional resources available to the program include the Legal Services National Technology Assistance Project (www.lsnatap.org). The program should continue to draw upon available technology expertise at I.U., as well as outside resources, to assist with its technology planning and implementation efforts.

Recommendation II.7.2: The program should contact TechSoup, at www.techsoup.org or www.techsoupglobal.org, about the purchase of computer hardware and programs at a discounted cost.

PERFORMANCE AREA THREE. *Effectiveness of legal representation and other program activities intended to benefit the low income population in its service area.*

Criterion 1. Legal Representation.

a. The program has in place adequate capacity and resources to carry out its work, insofar as its resources permit.

Finding 8: CLO has an experienced staff of advocates with access to special expertise in a variety of areas.

The experience level and retention of staff at CLO are both quite good. The deputy director has been with the program for over 18 years, has extensive expertise in poverty law areas and is considered an expert in the area of housing. The experience levels of the five staff attorneys range from 2 ½ to 16 years. Interviews with attorney staff and judges reflect that advocates are knowledgeable, skilled, and competent in the areas of law in which they practice. CLO's access to special legal expertise is excellent, due to its affiliation with the law school and the ongoing participation over many years by law school faculty in CLO's clinic for third-year students.

b. The program utilizes systems, approaches, and techniques sufficient to ensure that the representation is carried out with maximum effectiveness.

Finding 9: Supervisory methods are generally informal at CLO, but provide for adequate oversight and allow for ample exchange of information among advocates and between advocates and their supervising attorney.

Legal Work Management and Supervision:

The legal work management and supervision systems that are in place at CLO tend to be informal, such as in-person discussions with the deputy director concerning specific issues that arise in particular cases, and case planning and case strategy discussions at the program's weekly case review meetings. Case review meetings also serve as teaching experiences for the law students participating in clinical internships at CLO and are attended by their professors as well. As such, case review discussions focus extensively on strategy, case planning and legal reasoning.

The program has written case handling and supervision protocols, developed in advance of the LSC visit.

As the newest attorney at CLO has been with the program for 2½ years, supervisory review of more routine written work occurs less often. However, staff attorneys reported that when they were new attorneys, they shadowed more experienced attorneys to court, were observed at initial hearings by their more experienced colleagues and supervisors, and had their written work reviewed.

The program has access to the law school's moot courtroom, located in the same building as CLO. The courtroom has been used by program advocates to conduct mock arguments for hearings and appeals and during skills trainings sponsored by the law school and attended by CLO staff.

Most staff reported that they had been formally evaluated during and/or at the end of their probationary period but not since. The previous executive director asked employees to complete self-evaluations of their work during 2007 and 2008. The current executive director has advised staff that formal performance evaluations will be conducted during 2010. She attends the weekly case review meetings, reviews all closed cases, and is familiar with the quality of program attorneys' legal work.

Recommendation III.9.1: The program should – as planned – conduct formal, written performance evaluations of all staff during 2010. In addition to job performance, the evaluations should address professional development, training, and employee goals.

Recommendation III.9.2: As CLO continues to develop more detailed legal work management and supervision standards, the program may wish to refer to materials located on the LSC Resource Information Library, at www.lri.lsc.gov in the "Management" and "Standards" sections of the website. The website contains information on attorney supervision, performance and practice standards.

Recommendation III.9.3: As the executive director becomes more familiar with the legal work of the program, she should consider delegating some of her responsibilities – for example, regarding review of all closed cases and attending all case review meeting.

Quality of Legal Work:

Finding 10: The program produces high quality legal work

The program's legal work is excellent, as reflected by the writing samples submitted in advance of the LSC visit and by interviews with advocates and judges before whom the attorneys practice. Program advocates received high praise from judges concerning the quality of their work, as well as their professionalism, preparedness, and commitment to clients. The written work reviewed reflected a high level of skill and advocacy. Legal arguments were well-organized and presented, with well-developed fact patterns thorough discussion of applicable law and effective analysis. Most writing samples were appellate briefs or appellate memoranda.

The program also submitted writing samples from I.U. School of Law faculty members who had students participating in the law school's clinical program at the time of the LSC visit. The writing samples bore the signatures of both the students and their supervising professors, covered a range of legal areas such as subsidized housing, special education, and family law, and are indicative of the skill and invaluable legal expertise available to the program as a result of its collaborative agreement with the law school.

In advance of the LSC visit, the program was asked to discuss cases its attorneys had handled that were of significance to the client community. Among the cases discussed was a Commonwealth Court of Appeals case in which the program successfully litigated the right of a Section 8 housing recipient with a diagnosed mental condition to a hearing and to understand the nature of the proceedings against her before termination of her housing subsidy. The program also discussed a case that established the right of a domestic violence victim to a final order of protection even if the defendant cannot be located for personal service of the summons, and a case establishing the right of indigent parents to discovery to explore the nature of the allegations of abuse being leveled against them in protection order proceedings. The aforementioned cases confirm that the program engages in litigation that can impact the broader client community as well as the individual client being represented.

Quantity of Legal Work, Legal Work Areas of Focus and Outcomes:

Finding 11: CLO's program productivity is good; however, most of its extended service closed cases for 2008 were in the family law category.

A review of the program's CSRs shows CLO to be a highly productive program. CLO closed 403 cases per 10,000 poor persons during 2008 -- well above the national median -- and 68 extended cases per 10,000 poor persons (the national median was 56).

Family law and housing have been the primary areas of focus of the program's legal work. Many of CLO's extended closed cases for staff fall into the family law area. Though advocates' open caseloads are more varied, some attorneys' open caseloads consist exclusively of family law cases. Until fairly recently the program was handling a large volume of brief service cases involving clients in subsidized housing needing help

preparing affidavits to establish their continued eligibility for housing assistance. However, in 2009 the public housing authority in Puerto Rico agreed to stop requiring lengthy eligibility affidavits for re-certifications and, as a result, the demand for these services has decreased significantly.¹¹

CLO is known in the client community, among organizations and agencies that work with the poor, and among members of the judiciary as providing high quality representation to victims of domestic violence, parents at risk of losing their children and other clients needing help in the area of family law. The program's domestic violence project at the San Juan Judicial Center and CLO's close working relationships with shelters and other organizations that work with DV victims have led to numerous referrals to the program. As a result, the demand on the program for legal assistance in family law cases has grown considerably over the years. The two attorneys with the program's domestic violence project work exclusively with victims of domestic violence. Though both are strongly committed to their work, burnout in this area of law is not an uncommon occurrence.

Though the demand for assistance with domestic violence and other family law cases is great,¹² a plethora of other legal issues affect the client population in the service area.¹³ In an effort to diversify its practice areas and to better serve the community's legal needs, in August of 2009 the program sponsored a community forum for residents of the Martín Peña communities to discuss impending issues and ways that the program can offer assistance.

Recommendation III.11.1: LSC recognizes that family law issues – especially those involving domestic violence – present an overwhelming demand for services and are a high priority. However CLO should seek to better diversify its extended cases and should work to ensure that the client community is aware that the program offers legal assistance in all its priority areas. Some ways in which the program might approach this issue are the following:

- As it is feasible within the program's budget, encourage the attorneys to attend general poverty law conferences and to take the opportunity to participate in sessions that will improve their ability to spot and handle cases involving legal issues other than domestic violence and family law.
- Conduct direct, targeted outreach to groups of people in the community that may have different legal needs. Grass roots organizations and community-based

¹¹ The affidavits are still required for initial certifications.

¹² In the program's legal needs assessment, domestic violence and divorce were ranked as the first and second most important problems for which people need the assistance of an attorney.

¹³ For example, residents of eight impoverished communities located along a major waterway in San Juan are at risk of losing their homes. The communities occupy the land along the Martín Peña waterway pursuant to a community land trust established by law in 2004. In 2009 legislation was passed and signed into law eliminating the community land trust. As a result, the nearly 27,000 residents of the eight communities affected are faced with the prospect of losing their homes and numerous other related problems. At the same time, the government of Puerto Rico has also drastically reduced funding to the Office of Special Communities, which serves the needs of the poorest communities in Puerto Rico. As a result, fewer of the residents' basic needs are being addressed.

interest groups offer opportunities for targeted outreach, such as the program's outreach efforts in August 2009 to the communities affected by plans to develop along Caño Martín Peña.

- Use intake interviews of persons seeking assistance with housing affidavits to screen for other legal problems the client may have, such as public benefits, Medicaid or other health issues. Clients may not recognize that many serious problems in their lives and communities involve legal issues that can be addressed with the assistance of a lawyer or they may have a basic distrust of the legal system that is difficult to overcome.¹⁴
- Focus on providing a basic orientation in poverty law to lay employees who serve CLO's client-eligible community, such as Head Start counselors, public health clinic staff, job training staff, adult literacy teachers, high school guidance counseling staff, or drug rehabilitation workers. Work with these individuals so that they can better spot legal problems with which CLO may assist clients and develop a referral system with these persons and the organizations where they work.
- The program may wish to consider giving the attorneys working in the area of domestic violence greater exposure to other areas of law, including non-family law areas.

Training:

Finding 12: CLO staff have access to a wide variety of trainings through the I.U. School of Law, the Puerto Rico Bar Association, and other sources; most trainings attended by staff over the past few years have occurred within Puerto Rico.

The program's collaborative agreement with the I.U. School of Law provides staff with generous access to trainings, seminars and conferences at the law school. Staff have attended numerous substantive law and skills trainings at the law school including examination and impeachment of witnesses, use of expert witnesses, appellate practice, depositions; employment law; the rights of minors, family law, and notary law.¹⁵ Staff have also attended trainings sponsored by the Puerto Rico Bar Association, and the island-wide legal services conferences sponsored by Puerto Rico Legal Services in June of 2008 and 2009. Though attendance at trainings held outside of Puerto Rico has been infrequent in recent years, staff have attended some overseas trainings, such as a week-long conference on women's rights held in Mexico City and training in Miami, Florida on U-visas and assistance to domestic violence and trafficking victims.

¹⁴ These issues were alluded to by both board members and staff interviewed. One person mentioned that many persons in the client community only think of attorneys as helpful within a narrow range of legal issues, such as evictions and criminal matters.

¹⁵ All notaries public in Puerto Rico must be licensed attorneys and, in addition, must take a special examination before licensure as notaries.

Criterion 2. Private Attorney Involvement (PAI).

Finding 13: CLO's PAI program is well-organized and seems competently operated.

The PAI coordinator is an attorney who has been with the program for over 26 years. She has a varied background that includes a Masters Degree in psychology and employment as a high school teacher, a social worker, a mediator with a dispute resolution center, and an investigator with Puerto Rico's Department of Consumer Affairs. She has been the program's PAI coordinator since 1982 and since 1996 has also coordinated services provided by the program to persons with HIV/AIDS and their families under its Ryan White grant. She shares a support staff person with one of the program's staff attorneys.

The program's systems and procedures for PAI seem solid. The project is well-organized and there are written case referral, oversight and follow-up procedures that appear to be followed.

PAI consists of both pro bono – in the form of individual cases handled by law professors at the I.U. School of Law – and a reduced-fee compensated panel consisting of both general and specialized private practice attorneys. PAI attorneys participate primarily by handling individual cases. However, the attorneys occasionally take part in community education presentations.

Individual cases are handled by PAI attorneys in the areas of child support, housing, consumer/bankruptcy, juvenile, and employment. The PAI coordinator reports that bankruptcy cases, accepted by the program to help clients save their homes, have been on the increase.

Finding 14: PAI case service reports have not been capturing the full extent of pro bono work of the PAI Project; as a result CLO's PAI case closings are low.

Due to a misunderstanding on the program's part, PAI case closings in the past have not included the considerable amount of pro bono cases handled by professors at Interamerican University School of Law.¹⁶ The executive director has stated that this will be corrected.

Participation is low on the program's compensated PAI panel. The PAI coordinator states that it is difficult to recruit attorneys to participate, even on a reduced-fee panel, because Puerto Rico does not have a strong culture of pro bono and most attorneys in the program's service area work with large corporate firms.

The Puerto Rico Bar Association has been a major proponent of pro bono in Puerto Rico. Pro Bono, Inc., which has six pro bono offices located throughout Puerto Rico, is operated by the Bar Association. A law passed in 2009 will restructure how dues are paid to the Bar Association and is expected to reduce significantly the amount of funding available to the

¹⁶ The program was under the impression that cases handled by the law professors could only be included in the PAI Case Service Reports if the professors kept time records for their work.

Bar Association to support pro bono. This is likely to have the effect of increasing the demand, overall, for legal services from both CLO and PRLS.

Recommendation III.14.1: The program should ensure that all future CSRs submitted to LSC reflect the closed cases handled pro bono by professors at the I.U. School of Law.

Recommendation III.14.2: The program may wish to collaborate with Puerto Rico's Access to Justice Commission to seek ways to expand PAI opportunities in Puerto Rico.¹⁷

Criteria 3 and 4. Other program services and activities on behalf of the client population.

Finding 15: CLO collaborates appropriately with others in its service area to provide other services to clients.

Some pro se forms have been developed by the program for use in limited cases, such as child support modification, custody, paternity, and divorce.

CLO has operated a special project to assist battered women for several years. In 2008 the program signed a collaborative agreement with the court to establish a specialized unit for victims of domestic violence at the Judicial Center in San Juan. Pursuant to the agreement, the Office of Administration of the Courts provided funding for a social worker to work with CLO attorneys to assist victims throughout the judicial process.

The program has been working on a collaborative agreement with the Interamerican University School of Professional Behavior to establish a joint project whereby social workers and psychology students, under the supervision of their professors, would work with CLO attorneys on cases.

PERFORMANCE AREA FOUR. *Effectiveness of governance, leadership and administration.*

Criterion 1. Board Governance.

Finding 16: CLO has a dynamic, skilled, and knowledgeable board of directors that competently fulfills its oversight responsibilities and provides appropriate guidance to the new executive director.

The program's board of directors is of a high caliber, is very supportive of the program, and is extremely knowledgeable concerning the work of CLO and issues affecting the poor in Puerto Rico. Board members interviewed spoke of the need for CLO to strengthen its program identity, to expand its community education into other substantive

¹⁷ For example, in some jurisdictions the state Supreme Court has implemented by court rule an annual exemption from mandatory court assignments for attorneys who donate a certain number of hours or more a year to providing pro bono representation in civil legal services cases.

law areas, to expand its intake, to increase its funding base, to strengthen its technology and to make the client community more aware of the array of legal issues with which CLO attorneys can provide assistance. New members receive one-on-one training/orientation from the executive director, the board secretary and the program's director of administration. They also receive a binder with extensive information concerning the program and its history, LSC statutory and regulatory requirements, and their responsibilities as board members.

Board members' professional backgrounds are varied and they bring unique perspectives to their positions. Among its members are a senior partner in a large corporate firm; two faculty members of the I.U. School of Law (one of whom was also a former dean of the law school); a psychology professor at the University of Puerto Rico; a client board member who is a former priest and a member of several community based organizations; a former director of the Administrative Office of the Courts Legal Division; and a representative of a large and long-established battered victims shelter in Puerto Rico.

In addition to the executive committee, the board has an audit committee, a fund-raising committee, and a grievance committee.

The board meets quarterly and attendance is good at meetings. A review of board minutes and interviews with board members reflect that the board is kept informed regularly by the E.D. concerning issues that affect the program, and that members participate actively in board meetings and take an active role in board governance.

Interviews and board minutes also reflect that the board and the executive director have a good working relationship. Board members interviewed were highly complimentary of the executive director. Board minutes show board members to be helpful to the executive director in her new leadership position.

The board is respectful of the views of its client-eligible members, who are active participants on the board. The board's current vice-president is a client member.

Criterion 2. Leadership.

Finding 17: The executive director, though relatively new to her position, has been capable and competent in the exercise of leadership during her first year and has the full support of her staff and board.

The program's executive director assumed leadership of the organization in mid-January of 2009. Prior to becoming the executive director of CLO, she was the deputy director of Puerto Rico's Office of Child Support. She had also worked for two years as a staff attorney at Community Law Office. Everyone interviewed, within and outside of the program, was highly complimentary of the executive director. She is viewed as bright, energetic, well-organized, committed, and approachable. She has the strong support of her board, staff, and administration.

During her first ten months as executive director she has signed a new collaborative agreement with the I.U. School of Law that will govern the program's relationship with the law school for the next ten years, developed a strategic plan for CLO, fostered a greater sense of unity among program staff, overseen the revision of CLO's Manual of Administrative Procedures and Accounting, and employed her considerable organizational skills to the program's benefit. LSC's Office of the Inspector General¹⁸ visited the program as has the Office of Program Performance.

Criterion 3. Overall management and administration

Finding 18: The program has a competent management and administrative staff.

The program has a small management/administrative structure that consists of the executive director, the administrative director, and the deputy director, each of whom has appropriate expertise for their position. The program's deputy director has been an attorney for nearly 25 years, 18 of which have been with CLO. He has extensive experience in poverty law areas and is considered an expert in the area of housing law. He functions in the capacity of managing attorney and advocacy director for the program, directly supervises the program's staff attorneys and oversees their legal work, and carries a full caseload. The program's director of administrative services has worked at CLO for 28 years and has served in her current position since 1989. She attends to a wide range of administrative matters for the program including personnel/human resources functions and financial matters – such as payroll, bank deposits, and vendor payments – and assists the executive director in preparing the budget and reporting to the board of directors on fiscal matters.

The program has appropriate policies and procedures that govern administration and management of the program. The I.U. School of Law has detailed plans and operating procedures – which also include CLO's operations – in case of an emergency or natural disaster. The program adheres to the law school's written computer use policy.

Criterion 4. Financial administration.

Finding 19: The program appears to have a capable staff of sufficient size to manage and maintain its fiscal operations.

The program has capable staff in place to perform administrative functions and financial management, including the implementation of appropriate internal controls, policies and procedures. The program's director of administration is also its chief financial officer. She has appropriate experience and training to carry out her responsibilities, including assisting the executive director in the development of the program's budget for board approval; preparing financial reports for the board; and working with the program's independent auditor.

¹⁸ The visit occurred on May 1, 2009. This was not an OIG audit but rather, a visit for the purposes of introducing CLO to OIG staff, orienting the program about the Inspector General's office and its responsibilities, and obtaining updated fiscal and programmatic information from CLO.

The program has an Administrative Procedures and Accounting Manual, which was updated in 2009 and recently approved by the board of directors. The program's most recent audit identified no material weaknesses or instances of noncompliance in the financial statements disclosed during the audit.

Criterion 5. Human resources administration.

Finding 20: CLO maintains effective human resources administration.

Human resource functions are handled by the director of administration, with the assistance of a support staff person, and appear to be handled capably. Though the director of administration has significant additional responsibilities at the program, CLO's small size makes the human resources aspect of her job manageable. Staff stability, low turnover, and job satisfaction also help.

The program's personnel manual was last revised in 1990, refers to the program by its former name, Oficina Legal de Santurce, and is in need of updating.

Recommendation IV.20.1: The program should review its personnel manual and update those provisions that are in need of revision.

Criterion 6. Internal communication.

Finding 21: CLO has mechanisms in place to effectively communicate with staff.

Communication is facilitated by the small size of the program. A major step toward a greater feeling of program unity was achieved when the executive director began including the attorneys with the courthouse domestic violence project in the main office's weekly case review meetings. In addition, the executive director has had four all-staff meetings during the ten months she has been with the program. She also communicates program policies and managerial/administrative changes with staff through regular e-mails and written memoranda.

On-site interviews indicate that morale within the program is high, despite funding uncertainties and the effect of the economic downturn in Puerto Rico. The executive director enjoys the good will of staff.

Criterion 7. General resource development and maintenance.

Finding 22: CLO is seeking to maintain its base of funding and is appropriately exploring possibilities for acquiring new funding.

The executive director is in charge of the program's resource development efforts, and is assisted by the director of administration in the preparation of grant applications, proposals to foundations and grant activity reports to funding sources.

In addition to its LSC grant, during 2009 CLO received \$450,000 from the Puerto Rico Legislature, \$31,500 from the Municipality of San Juan to provide legal services to HIV/AIDS affected persons, \$24,337 to fund a social worker who provides assistance to victims of domestic violence, and \$10,000 from the government of Puerto Rico for community legal education.

The amount of funding from the Puerto Rico legislature, which has been reliable and steady in years past, could decrease during 2010. If faced with the prospects of a significant funding loss in 2010, the executive director plans to look to fringe benefits and bonuses as initial cost-saving measures. The I.U. School of Law has expressed a willingness to help as much as it is able and may be in a position to offer some additional in-kind assistance to the program.

In May of 2009 CLO contracted with an attorney with fund-raising expertise to explore alternative state, federal, and foundation funding for the program. CLO has submitted funding proposals to the Puerto Rico Womens Advocate's Office, the Puerto Rico Department of Justice, and to several foundations, but all have thus far been unsuccessful. The program produces an annual report which it uses to support funding proposals. CLO is also exploring the possibility of collaborative agreements with the School of Graphic Arts to help design program pamphlets and brochures, and with the school of behavioral sciences at Universidad Carlos Albizu, for a clinical practicum at CLO for the university's students.

The CLO Board has been proactive in suggesting possible avenues for the program to pursue in the area of fund-raising.

Recommendation IV.22.1: The program should focus on developing community-based nonprofit partners for future fundraising proposals. The program should seek to market its funding proposals in a manner that incorporates the unique characteristics and needs of the special communities located in its service area.

Finding 23: The program's relationship with the I.U. School of Law is a great asset and CLO benefits enormously from the in-kind support it receives from the law school.

The program receives a considerable amount of in-kind support from the I.U. School of Law in exchange for providing a clinical experience for I.U.'s third-year law students. CLO's agreement with the law school includes the use, cost-free, of the school's modern facilities in a secure location. The offices are accessible by public transportation and parking is available for both CLO staff and clients. Access to the law school library, consultation with law professors, and attendance at courses offered or sponsored by the law school at no charge to the program are additional benefits of CLO's collaborative agreement with the school. The law school also provides two legal secretaries who work for CLO staff as well as the professors assigned to the clinic and the students they supervise. In-kind services were valued for 2008 by the independent auditor at \$285,000.

Criteria 8 and 9. Coherent and comprehensive delivery structure/participation in an integrated legal services delivery system.

Finding 24: CLO collaborates appropriately with other entities that provide assistance to the low-income population in Puerto Rico.

CLO coordinates appropriately with Puerto Rico Legal Services, the University of Puerto Rico School of Law, the Legal Aid Society, Pro Bono, Inc. and other state delivery system partners and seems to have a good working relationship with all. The program has worked more closely with PRLS in recent years. CLO staff have also attended trainings at PRLS, such as training on APLICA and on LSC regulatory changes, and the island-wide legal services conference sponsored by PRLS in 2008 and 2009. In 2008 CLO worked with PRLS in negotiating an agreement with the Public Housing Administration to eliminate the requirement that applicants for public housing submit lengthy affidavits as part of the public housing recertification process.

In 2006 the legal services and pro bono providers, public defenders, and representatives of clinical programs from Puerto Rico's four law schools met to discuss coordination and collaboration among all. The meeting appears to have enhanced collaborative efforts among the participating organizations and law schools. CLO was a participant in 2007 in the Puerto Rico Bar Association sponsored Congress on Access to Justice. Its board president is a member of the Bar Association's Access to Justice Commission. Program staff have also participated as presenters in Puerto Rico Bar Association, ACLU, PRLS, and University of Puerto Rico-sponsored training events and conferences.