



Legal Services Corporation
Office of Program Performance

FINAL
Program Quality Visit Report
for
GUAM LEGAL SERVICES CORPORATION
Recipient # 960007
March 30-April 2, 2010 and April 6, 2010

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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 Guam Legal Services Corporation (GLSC) on March 30 - April 2, 2010 with an exit conference the morning of Tuesday, April 6, 2010. Because of the vast distance between the LSC office in Washington, D.C. and Guam, the visit was conducted remotely; all interviews were conducted by telephone. The visit team included team leader Stephanie Edelstein and Tim Watson, both OPP program counsel.

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The purpose of program quality visits is to assess the overall quality of legal services provided to eligible clients, including a program's engagement with and service to the low-income community, the effectiveness of its legal representation and other program activities, and its leadership, management, and administration. In conducting this evaluation, OPP relied on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation followed the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with 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.

Prior to the visit, the team reviewed GLSC's 2009 funding application and 2010 refunding application, its case service (CSR) and other service (OSR) reports, and other documents submitted to LSC during the past year. The team also reviewed documents submitted in advance of the visit, including board of directors' meeting minutes, program policies and procedures, casehandler writing samples, and responses to an anonymous on-line staff survey. The team conducted telephone interviews of all GLSC staff, board members, judges, and representatives from other organizations serving the client community.

Program overview.

Guam Legal Services Corporation is a one-office program founded in 1981 and serving the United States territory of Guam. At the time of the visit, it had 18 staff members. In addition to its territorial status and culture, the service area is distinctive for its geographic isolation – a small island 8,000 miles and several time zones from Washington D.C. The 212 square mile island includes United States military bases, rural farm and beach areas, relatively urban communities such as the capital, Hagatna, and some villages.

Guam has a population of approximately 178,000. Persons born on Guam are United States citizens but do not vote in presidential elections. In 2000, the population included the following ethnic groups: Chamorro 37.1% (the indigenous people of the territory), Filipino 26.3%, other Pacific Islander 11.3%, white 6.9%, other Asian 6.3%, other ethnic origin or race 2.3%, mixed 9.8%. English and Chamorro are the official languages. There is a growing community of immigrants from the Federated States of Micronesia and other islands, many of whom speak only Chuukese or Yapese and bring their own cultural traditions to the territory. Also commonly spoken are Tagalog, Thai, and some Chinese languages and dialects.

The Guam legal system is modeled on that of the United States. U.S. federal laws apply, and the federal court is part of the Ninth Circuit. The economy is based primarily on tourism, and is also significantly dependent on the U.S. military. In 2008, the Census Bureau estimated that 20% of the population was living in poverty. In March 2010, the unemployment rate was 9.7%. The federal Supplemental Security Income (SSI) program is not available to residents of Guam, which eliminates a source of income for low-income persons who are aged, blind, or have disabilities.

The \$342,158 in basic field funding that GLSC receives from LSC constitutes approximately 35% of the program's total funding. GLSC is the designated Protection and Advocacy agency for the territory, and as such receives several different federal grants to represent people with disabilities. The Protection and Advocacy component is known as the Disability Law Center (DLC). GLSC also receives Violence Against Women Act Legal Assistance for Victims (LAV) funding from the U.S. Department of Justice. In collaboration with the Supreme Court of Guam, GLSC is using a Technology Initiatives Grant (TIG) from LSC to establish a computer kiosk for self-represented litigants in the courthouse. A second kiosk, established with other funding, is located in a local shelter for victims of domestic violence. The kiosks were inaugurated in conjunction with Law Day 2010.

SUMMARY OF FINDINGS

GLSC conducted a legal needs assessment in 2008, but the resulting priorities may not address the most pressing legal needs of the low-income community. GLSC has not engaged in strategic planning and does not systematically evaluate the effectiveness of its work.

Maps, photographs and interviews suggest that the GLSC office is centrally located. Staff are linguistically and culturally competent. The intake system appears to provide sufficient access to the client community.

GLSC has systems in place to support effective advocacy. The executive director's experience is a valuable resource to less experienced staff attorneys.

LSC has serious concerns about the closed case data, which, even accounting for the small size of the program, is significantly lower than that of other LSC grantees. In addition, the range of issues addressed is extremely limited.

LSC is also concerned that the GLSC board of directors does not appear to be appropriately engaged and may not be meeting its obligations under the LSC regulations. The board rarely meets, and sometimes conducts business by written resolution. Staff send the board regular budget reports and frequent written updates on program activities. The program administrator and the executive director are in regular communication with the board chair.

OCE conducted a Follow-Up Review to GLSC in April 2009, and the 2008 audit report has been reviewed by the OIG and OCE. Findings from that report have since been closed. The 2009 audit report is due on July 31, 2010.

Human resources are the responsibility of the administrative director. GLSC has a personnel manual which is currently under review. Staffing appears to have stabilized. Salaries are competitive with other publically funded attorneys in the area and with legal services attorneys on the mainland. Attorneys are provided with a variety of training opportunities, but administrative and support staff do not appear to have the same opportunities. Communication within the program appears to be generally effective but there are some morale issues. It is unclear whether the program holds regular all-staff meetings. GLSC does not appear to have a strategy for seeking funding other than the federal grants upon which it has come to rely.

GLSC has strong ties to the disability community as well as the low-income community. In recent years, the program has strengthened ties to other service providers and agencies on the island. Attorneys are members of the Guam Bar Association, and the executive director is a member of the board of governors. The program's relationship with the courts is strong and will be further strengthened with the new kiosk for self-represented litigants. Guam has no access to justice commission or equivalent.

GLSC has for several years received a complete waiver of its PAI requirement.

DISCUSSION OF FINDINGS

PERFORMANCE AREA ONE. Effectiveness in identifying needs of low-income people in the service area and targeting resources to meet those needs.

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

Finding 1: GLSC conducted a legal needs assessment in 2008 and used the results to develop its program priorities. However, those priorities may not be broad enough to address the most pressing legal needs of the low-income community.

GLSC reviews priorities annually and allocates program resources accordingly. Current priorities include protection of the person, family law, public benefits, housing, juvenile/education and child protection (including education proceedings related to child protection), health care, and other education (special and general education). Interviews with staff confirm an overall awareness of priorities and adherence thereto.

Current program priorities are based upon a written survey of legal needs that the program conducted in 2008. The survey was distributed to applicants for GLSC services, clients, and others in the client community who had contact with the program. It included a list of potential legal problems, asked if respondents had reason to see a lawyer about any of those problems and, in a separate question, asked them to rank the same list in order of importance. Concerns about health care and education ranked higher than those about consumer debt and bankruptcy. In setting its priorities, GLSC carefully followed the rankings in the survey, including the higher ranked “health care” and “education” but excluding the lower ranked “consumer and bankruptcy.” Because consumer issues are no longer considered a priority, GLSC turns away applicants who may have such cases.

It is unclear whether the 2008 GLSC needs assessment process captured the extent of existing and emerging legal needs in the client community. For example, individuals filling out the written survey may not have recognized that “consumer and bankruptcy” includes being sued on a debt, or having one’s wages garnished or bank account attached. While staff indicated that consumer debt collection is uncommon on Guam, news reports reveal that the problem not only exists, it is growing. Pacific News recently described a new campaign by Guam Memorial Hospital Authority to collect unpaid bills more aggressively (*Guam Launches Collection Crackdown*, Pacific News Release, April 7, 2010), and a local business news service reports a significant jump in bankruptcy filings from 2008 to 2009. The majority of those filings were personal bankruptcies. More significantly, the article quotes a Guam bankruptcy lawyer as estimating that approximately 70% of the personal bankruptcies he handles are the result of debts incurred due to health costs; the other primary reason is loss of employment. (Law-Byerly, *Bankruptcy Filings Up 47 Percent on Guam*, Marianas Business Journal, January 18, 2010).

The 2010 LSC refunding application narrative indicated that GLSC planned to collaborate with other service providers and community groups to conduct a legal needs assessment. Since that assessment does not appear to have commenced, there is a window of opportunity for developing a more comprehensive process.

Recommendations¹

I.1.1. GLSC should conduct a comprehensive assessment of the legal needs of the low-income population in its service area within the next year. This assessment should provide opportunities for input from the client community, including those with special needs or access challenges, and from organizations and agencies working with that community (advocacy and social services agencies, community organizations, judges, representatives of the organized bar, and GLSC staff and board members).

The assessment should involve such methods as questionnaires, surveys (written, in-person, and/or telephone), focus groups, and meetings with clients and community members. Surveys could be made available in courthouses and agencies, and on the GLSC website, in addition to the program office. LSC recommends that potential legal issues be described in non-legal terms. For example, rather than asking whether consumer debt is a problem, ask about being late on credit card or medical bills, or on car or house payments. Descriptions of needs assessments conducted by other LSC grantees and copies of instruments used, are available from the LSC Resource Information (LRI) site at www.lri.lsc.gov.

GLSC may want to consider sending an electronic survey to key leaders and stakeholders in the community who are not able to attend an in-person meeting. Other legal services programs have used this method successfully, including Central Jersey Legal Services, Colorado Legal Services, Rhode Island Legal Services and the Legal Aid Society of San Diego. A tool for creating an electronic survey can be found at <http://survey.lsnatp.org/>.

I.1.2. GLSC is encouraged to involve client board members in the needs assessment process, particularly in the development of a written survey instrument and focus groups.

I.1.3. GLSC should implement procedures and systems for recognizing and adjusting to needs that emerge between formal assessments. Such systems should include continuing involvement with and input from the low-income community, regular review of intake and case information, and monitoring of legal developments.

I.1.4. In the short term, LSC strongly recommends that the GLSC board amend program priorities to include consumer issues. GLSC is encouraged to review the Suggested List of Priorities for LSC Recipients, 61 Fed. Reg. 26934 (May 29, 1996). This list is not determinative, but it does provide some guidance.

Criterion Two. Setting goals and objectives, developing strategies, and allocating resources.

¹ Recommendations in this report will have three numbers and will immediately follow findings. The Roman numeral references the Performance Area, the second number corresponds to the finding, and the third number is that of the recommendation.

Finding 2. GLSC has not engaged in comprehensive strategic planning to address whether the program is effectively meeting its goals or the legal needs of the client community.

During the past four years, the program has experienced significant transition. It has had three executive directors and has undergone substantial staff turnover and organizational restructuring. Based in part upon the initiative of current staff and in part on the 2009 CSR/CMS Follow-Up Review (FUR) by the LSC Office of Compliance and Enforcement (OCE), considerable changes to ensure compliance with LSC requirements have been implemented. Several program manuals, including those on intake, language access, legal work management, and accounting, are in the final stages of drafting. The program has reached a point of stability. At the time of the visit, it was fully staffed, and funding appears to be steady.

GLSC has adopted the broad missions of the national LSC and Protection and Advocacy systems, but there does not appear to have been a program-wide discussion of mission, of goals, or of strategies for achieving those goals. Current GLSC staff does not recall when the program last engaged in strategic planning. When the needs assessment has been conducted and the results analyzed, it would be an opportune time for the program to undertake such an effort.

Recommendation

I.2.1. GLSC should engage in a strategic planning process that involves the board as well as staff, and that considers the following:

- recommendations from this evaluation;
- results of a comprehensive legal needs assessment;
- short and long term goals for the program and its legal work;
- reasonable strategies for achieving the identified goals;
- allocation of resources, including the weighing of likely costs against the benefit to clients and other low-income people;
- staffing responsibilities, including adjustment of those responsibilities as appropriate;
- degree to which alternative approaches (e.g., advice only, limited service, group clinics, kiosks or other self-help services) may be effective when GLSC does not have the resources to provide full representation.

Criteria Three and Four. Implementation, evaluation and adjustment.

Finding 3. GLSC does not formally evaluate the effectiveness of its delivery strategies and work on a continuing basis.

The team considered the extent to which GLSC examines the outcome and results of its work on behalf of the client population and makes appropriate adjustments in its goals, objectives, strategies, and legal assistance activities. While the program seeks to

assist clients and conduct activities in its priority areas, it does not use explicit, concrete, and measurable outcomes that would enable it to objectively compare the results actually achieved with the outcomes originally intended. Some measurements were included in the narrative to the 2009 LSC funding application, but they were not incorporated into the most recently adopted priorities. Any evaluation of outcomes that is currently conducted is informal and case specific, occurring as part of case review meetings or based upon the client satisfaction questionnaires that clients are asked to complete when a case is closed.

Recommendation

I.3.1. GLSC should develop policies and procedures for self-evaluation of the effectiveness of its delivery strategies and work, and should make adjustments to program goals, objectives, and strategies where appropriate. In developing such policies and procedures, GLSC is encouraged to consult Standard 2.11 of the *ABA Standards for the Provision of Civil Legal Aid*. While the *ABA Standards* are aspirational, they do provide guidance for developing an organizational self-evaluation policy.

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

Criterion One. Dignity and sensitivity.

Finding 4. GLSC staff are linguistically and culturally competent, and reflective of the client community.

The GLSC staff is culturally diverse and includes those who speak Chamorro, Tagalog, and Visayan (a Filipino language) as well as English. When necessary, the program uses a local interpreter service to facilitate communications with clients. The program is currently drafting its LEP Plan. Interviews with staff, board members, community organizations, and judges reveal a program whose staff values the dignity of clients and has the capacity to deal with the challenges of a multicultural client community.

Recommendation

II.4.1. GLSC is encouraged to review LSC Program Letter 04-2 as it proceeds with development of its written plan for serving limited English proficient populations.

Finding 5: The GLSC intake system is accessible to potential clients and sufficiently flexible to serve applicants with emergencies and those who are unable to come into the office in person due to incapacity.

A structured intake system is relatively new for GLSC. Long-time staff report that until two or three years ago, attorneys screened and interviewed applicants and determined whether to accept a case. Even now, the intake system is a work in progress, with the manual still under revision.

The system evidences a concern for client convenience and a desire to make the program accessible. Individuals seeking legal assistance from GLSC call or visit the program office during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. It was reported to the team that callers do not remain on hold for any length of time. Incoming calls also ring at the desks of the file clerk/runner and LSC legal secretary, who provide back-up when the receptionist is unavailable. Preliminary screening is conducted by the receptionist. Applicants with a problem outside the program's priorities are referred to lawyer referral. A client whose problem is within the program's priorities is asked to come in to the office to complete a pre-screening intake form. The receptionist reviews the information on the pre-screening form, and performs a conflicts check. Persons who are ineligible, or who are conflicted out, are referred to the lawyer referral service. GLSC does not conduct intake over the telephone, but if necessary, program staff visit applicants in homes, hospitals or nursing homes, or shelters.

Applicants who are eligible for services funded by LSC or Legal Assistance for Victims (LAV), or who can be served with a Protection and Advocacy grant, are scheduled for an appointment with an advocate in the appropriate program.² These interviews are usually scheduled within a week of the initial screening, unless there is an emergency, in which case the applicant is interviewed the same day. Advocates review the intake, conduct a more thorough eligibility screening, and do a preliminary "work-up" of the case. They present screened cases at the next case review for the particular program, which usually occurs within a week of the interview. Accepted cases are assigned to an attorney. Interviews suggest that few cases are rejected at this stage of the process.

Staff who perform intake receive in-house training on the LSC regulations and the case management system. They have not all received formal training on substantive law issues or interviewing skills.

GLSC continues to build its website, www.lawhelp.org/GU. At this time, the website includes general information about the program and its eligibility criteria and priorities, some Power Point presentations from community education presentations, and some consumer education materials.

Recommendations

II.5.1. GLSC is encouraged to evaluate whether a telephone intake option, in addition to in-person intake, would serve the needs of the client community.

² The Legal Assistance for Victims Grant Program (LAV), administered by the Department of Justice Office of Violence Against Women, has income eligibility guidelines. The Disability Law Center (DLC) advocates on behalf of people with disabilities under a variety of federal grants, none of which have income or citizenship eligibility requirements.

II.5.2. GLSC is urged to make training available to intake staff on interviewing skills, substantive legal issues, and issue spotting.

Finding 6: At the time of the visit, the GLSC intake pre-screening form distinguished between applicants younger than 60 years of age and those who are older. As a result, it appears that GLSC is not obtaining income information from applicants who are 60 years of age and older.

The pre-screening form used at the time of the visit asks applicants who are under 60 years of age for income information, but does not ask the same for applicants who are 60 years of age and older. This distinction would have been appropriate when GLSC received funds to serve seniors under Title IIIB of the Older Americans Act. Since the program no longer receives those funds, there is no reason to retain this distinction.³ Moreover, if applicants age 60 and older are not screened for income eligibility, they cannot be counted as LSC cases. This issue is important because, as discussed below, it may be one cause for the low number of cases reported in the GLSC CSR data.

Staff explained that persons 60 and older are now screened for LSC eligibility, and that the form being used is outdated. Those who are eligible are assisted. Those who are not eligible, or whose problem does not fall within the priorities, are referred to the private attorney who currently has the Title IIIB contract.

Recommendation

II.6.1. GLSC should review intake forms to ensure that they are current and consistent with program practice, and that they capture needed information for applicants of all ages.

Finding 7: GLSC has written case acceptance guidelines to guide decisions on whether or not to accept a case, but the guidelines are generic and do not relate to the program's goals and objectives or address the level of assistance to be provided.

While priorities identify the range of issues that a legal services program will address, case acceptance policies can help staff implement those priorities on a day-to-day basis. They can help a program determine whether an individual will be accepted for service and if accepted, the level of service to be provided. They take into consideration program resources, the merits of a case, and other resources in the community.

At GLSC, decisions on whether to accept new non-emergency cases are made during each unit's weekly or bi-weekly staff discussions, known as case reviews. The draft Legal Work Management Manual (130.20) includes criteria for determining whether to accept a case. The criteria include program priorities, potential impact of the case on the low-income community, program and individual caseloads, level of expertise in the substantive legal area, merits of the case, and availability of other resources to address the issue. The criteria do not, however, relate back to the program's own goals

³ GLSC chose to forego the Title IIIB grant because payments from the funder were difficult to collect.

and objectives, nor do they provide any guidance on the level of service to be provided once a case is accepted. It was unclear from interviews, whether staff involved in making case acceptance decisions are aware of these criteria.

GLSC and the client community would be better served if case acceptance and level of service decisions were guided by clear and consistent written policies that relate back to GLSC's goals and objectives for its legal work on behalf of the low-income community, and to available resources.

Recommendation

II.7.1. GLSC should adopt clear and specific written case acceptance policies, consistent with its goals and objectives, and should ensure that staff are aware of these policies and apply them. For additional guidance, see Standard 5.2, Policy for Acceptance of Applicants for Service, *ABA Standards for the Provision of Civil Legal Aid*.

Criterion Two. Engagement with the low-income population.

Finding 8: GLSC is sufficiently engaged with the client community.

During the past two years, GLSC has made great strides in its outreach to and involvement with community groups and organizations serving the low-income community of Guam. Program involvement with those organizations includes attending meetings, conducting outreach and educational programs, and accepting referrals of eligible clients.

The list of outreach and other events attended during the past year demonstrates a commitment to reaching a broad audience. It is also clear from the presentation topics that GLSC is endeavoring to inform the community of the range of cases it can accept. Staff made presentations on GLSC services in general, and more specifically on family law, public benefits, powers of attorney, human trafficking, and domestic violence. They have spoken at schools, churches, health and safety fairs, Law Day shopping mall events, and public housing communities. Audiences have included caregivers, social workers, groups of seniors, children and youth, domestic violence victims, tenants and low-income homeowners, homeless persons, and others. Staff report that GLSC is considering additional outreach to reach emerging populations, including those from Chuuk and Yap.

Community partners interviewed spoke highly of GLSC staff, observing that they are dedicated and sensitive to client circumstances. They commended efforts to inform the community that the program handles cases other than those involving family law and guardianship. It was suggested that some presentations could be more tailored to the education level and language skills of the audience.

Recommendation

II.8.1. GLSC is encouraged to continue its efforts to reach out to the low-income community and the organizations that serve that community, to inform them of the program's services and to emphasize the breadth of cases it can accept. GLSC might also consider asking client board members to assess the language level and readability of written outreach and community education materials before they are used.

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

Finding 9: Staff interviews and team review of maps and photographs suggest that the program is centrally located and convenient to public transportation, but that the facilities themselves may need some modifications.

Because this visit was conducted remotely, the team was unable to personally observe the program's office location, signage, and facilities. The team was informed that the office is centrally located in the Guam capital, within short driving distance of the courts, and within walking distance of public transportation.

The facilities consist of two small buildings separated by an empty lot. The building housing the advocate offices is reported by staff to be inaccessible to persons with mobility impairments. Staff reports that some office areas are overcrowded and that during busier times there is inadequate space for confidential intake interviews. Staff further reports that a lack of separation between staff offices and clients in the reception area has caused safety and security concerns. Photographs submitted by GLSC appear to confirm these reports, and the OCE team who visited GLSC in 2009 concurs.

Recommendation

II.9.1. GLSC is encouraged to review access to its buildings and to work areas within those buildings, and to make modifications necessary to ensure that buildings are accessible, and that interior space is safe and appropriate for clients and staff.

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

Criterion One. Legal representation.

Finding 10: After experiencing significant turmoil and staff turnover in recent years, GLSC now has the capacity to perform effective legal work.

GLSC experienced considerable staff turnover during the past two to three years, including complete turnover of senior management and attorney staff. By the time of the visit, the program appeared to have stabilized. It was fully staffed with four attorneys

(including the executive director) and three advocates.⁴ Considering its size, GLSC demonstrates the core capacity to address client legal needs.

The executive director has many years of management and litigation experience. He carries a full caseload and serves also as director of litigation. Staff attorneys have less litigation experience and limited poverty law experience, but their backgrounds include judicial clerkships, private practice, and work in the attorney general's office, and they are committed to legal services work and eager to learn. Writing samples reviewed by the team were well-drafted and used a range of tools and strategies. Some samples involved complex legal issues.

GLSC attorneys are in court several times a week. The program is respected by judges for its advocacy in family violence cases. Judges note that GLSC lawyers are always well-prepared and respectful of the forum and the clients. While the staff attorney in the LSC program recently conducted a deposition and has filed some motions, in general the program conducts little motion or discovery practice. GLSC staff and judges report that there is very little litigation on Guam, so there is less call for trials or other contested legal work than in other jurisdictions.

Program advocates, who are trained as social workers and are not attorneys, have many years of experience working with low-income clients. At GLSC, their roles are a combination of social worker and paralegal. They conduct intake and the initial substantive interviews after the client has been determined to be eligible for services. They prepare legal documents for review by program attorneys and provide support to those attorneys. The DLC advocate assists clients in special education meetings and other administrative forums that do not require an attorney. The LSC-funded advocate does not represent clients in administrative or other forums.

Finding 11: GLSC's closes significantly fewer cases per 10,000 poor persons than other LSC funded programs and the range of issues addressed is very limited.

In 2009, GLSC closed only 155 cases under its LSC grant. This number was more than the 124 cases closed in 2008, but still very low. The 2009 case closure rate is 39 cases per 10,000 poor people – far below the national median of 256 per 10,000 poor people, and certainly low enough to call for extra scrutiny from LSC.

Comparing a program's case closure statistics to the national median may not always lead to explicit conclusions, but it can be a tool for reflection. The data can be influenced by a number of factors including funding, management and programmatic transitions, staff experience levels, demographics and geography of service area, changes in priorities or level of services provided, work that is not captured by CSRs, expenditure of resources, or complex litigation.

⁴ LSC has learned that the advocate who worked in the Disability Law Center resigned soon after the visit. GLSC is planning to fill that position as soon as possible.

One factor contributing to GLSC's low case numbers might be the program's efforts to comply with LSC directives on case closure and reporting. In a 2004 report of a 2003 CSR/CMS Review, the Office of Compliance and Enforcement determined that GLSC was reporting ineligible clients. In its response to that finding, GLSC management indicated that until eligibility screening issues could be resolved, it would report only LSC-funded cases in CSR data.⁵ In its 2009 on-site Follow-Up Review letter to GLSC, OCE concluded that the program was no longer improperly reporting ineligible cases. OPP does not review case files, but interviews with staff suggest that at the time of this visit, applicants applying for services provided with funding other than LSC were not always screened for LSC eligibility and their cases were therefore not reported in CSR data.⁶ It is not clear how many cases could have been affected. While the under-reporting of cases might provide some explanation for the CSR data, it cannot fully account for such low numbers.

In addition to low case numbers, the range of cases handled by GLSC is insufficient, and its proportion of family law cases far exceeds the national norm. Of the 155 cases closed in 2009, there were no consumer, no housing, no education, no employment, no income maintenance, and no health cases. Of the 155 cases closed, 102 were in family, 28 were juvenile, one was an individual rights case, and 24 were miscellaneous (eight of which involved preparation of advance directives). In 2008, the program closed 125 cases, of which two were in consumer, one was in housing, and three were in income maintenance. The rest were in family law (53) and juvenile law (35).

As with the low case numbers, it is difficult for LSC to identify a single cause for the extremely limited range of legal assistance provided to the client community. Other contributing factors might include the almost complete turnover in staff over the course of three years, coupled with the need for staff to spend time developing management and reporting systems. Cultural differences may also play a part, as might the limited priorities discussed above. In any event, this issue should be thoroughly explored.

Recommendations

III.11.1. GLSC must find ways to increase the volume and the range of its legal representation. In addition to making modifications to the needs assessment process and expanding priorities as discussed above, GLSC should implement targeted and strategic outreach and community education intended to raise awareness of particular legal issues and inform the community that GLSC can provide assistance on those issues. Intake staff should be trained to identify those issues even when applicants do not, and attorneys and other casehandlers should be trained to provide the necessary legal assistance.

⁵ Finding 7 of 2004 Final Report of on-site Case Service Report/Case Management System ("CSR/CMS") Review of GLSC conducted by the LSC Office of Compliance and Enforcement.

⁶ In addition, as discussed in Finding 6, above, it is not clear that applicants age 60 and over are being screened for LSC eligibility.

III.11.2. GLSC is reminded that LSC permits grantees to count as LSC cases those cases funded by other sources if the client is otherwise qualified and the other funder does not object.

III.11.3. LSC encourages GLSC to analyze its use of advocates to make the best possible use of their time and expertise on behalf of its clients. The analysis could include the benefits of training advocates to handle more traditional paralegal work, including representation of clients in administrative proceedings.

Finding 12: GLSC has systems in place to support effective advocacy.

Staff attorneys felt that they are generally supported in their work and have access to the tools they need to be effective. The executive director, who functions also as litigation director, is available to them if they have questions. Attorneys and advocates meet weekly for case review, during which they discuss incoming cases as well as those that are ongoing. They also review the calendar to ensure that all upcoming appointments and court appearances are covered. GLSC has a litigation budget. Staff have access to Westlaw for legal research via individual accounts that they can access from home if necessary. Guam statutes and regulations are available on-line.

GLSC attorneys are encouraged to attend on-island and off-island trainings, and at least two have recently attended national conferences, including domestic violence and NITA skills trainings. Staff also have access to webinars, although because of time differences with the mainland USA, they usually view webinars only on a delayed schedule. The executive director attended a recent MIE new executive director training and planned to attend the 2010 Equal Justice Conference. Legal journals and other materials such as Clearinghouse Review are circulated appropriately.

Attorneys and other case handlers also appear to have the administrative support necessary to do their work effectively. A receptionist and a runner/file clerk serve the program as a whole, and the LSC unit and the DLC each include one legal secretary and two advocates. While there are times when administrative staff and advocates are extremely busy or must cover for one another, the staffing level appears to be sufficient.

Staff appear to have the technology they need to support their work. They use Kamps Prime for case notes and time entries. They have networked computers and printers, internet access, email, and a shared drive for briefs, pleadings, and other documents. They can access the computer system remotely. They use a standard program-wide system for organizing paper files.

There is no office-wide electronic calendar at this time, but there is an office-wide paper calendar and attorneys use their own computer calendars.

The full-time technology coordinator, known as the management information systems (MIS) advocate, has been with the program for just over a year. During that time, he has instituted substantial changes and upgrades, and has worked with LSC to

reinvigorate the program's TIG grant. He is creating codes for the case management system that will allow GLSC to report LSC-eligible protection and advocacy clients as LSC clients when appropriate. He also plans to add a calendaring feature and an intranet to the GLSC LawHelp website in the near future.

Back-up data is stored on a portable hard drive that is taken off-site every week. The island experiences periodic internet slowdowns due to limited bandwidth, but this is out of the control of the program. The program's offices are connected with an exterior network cable across the empty lot between the buildings. While the cable is apparently adequate at this time, it would appear to be vulnerable in the event of a severe storm or typhoon. Moreover, a different arrangement would be required should the lot be sold or otherwise utilized.

Recommendations

III.12.1. GLSC is urged to consider broadening the areas of law in which attorneys and advocates receive training, to enable staff to better identify and address a broader range of issues. The NLADA Substantive Law Conference and the National Consumer Law Center are two such training opportunities.

III.12.2. GLSC is encouraged to have staff who attend conferences share information and materials from those conferences with their colleagues.

III.12.3. GLSC is urged to identify training that would be appropriate for administrative and support staff, and to facilitate their attendance at such training.

Finding 13: GLSC has dedicated and enthusiastic legal staff who would benefit from additional guidance and support from an experienced practitioner such as the executive director in his role as executive director of litigation, or an experienced managing attorney.

As discussed in Finding 19 below, GLSC has an unusual senior management structure created to decentralize responsibility and promote transparency and accountability. At GLSC, the executive director holds the title, "executive director of litigation." The purpose of this title contemplates that in addition to overall management responsibilities, the executive director will supervise substantive legal work. This structure has implications for the program's legal work as well as the management issues discussed in Finding 19.

The current executive director's decades of legal experience are a valuable resource to the program and to its staff attorneys. He provides them with direction during weekly case reviews, and he is available to answer their questions and to provide assistance with their cases if needed. However, in addition to his program management responsibilities, he also conducts community education, attends meetings with other providers, serves on the bar board of governors, and carries a full caseload. Moreover, his caseload includes the more complex cases handled by the program.

GLSC staff attorneys are dedicated to legal services practice and eager to enhance their skills. They are in court regularly, but their caseloads are comprised in large part of uncontested matters which afford little opportunity for complex litigation. As a result of his other commitments, the executive director has not had the time to provide them with the guidance and support that they need to tackle new issues or complex cases, or to otherwise advance their skills.

Recommendation

III.13.1. If the executive director is to fulfill the role of litigation director as envisioned by the current GLSC staffing structure, he needs to reduce his caseload and assign more complex cases to staff attorneys. Then, as time and resources permit, he would be free to undertake such activities as:

- Coordinating advocacy and litigation program-wide.
- Mentoring less experienced staff.
- Co-counseling with staff when appropriate.
- Establishing a mechanism to facilitate co-counseling and teamwork on individual cases and significant advocacy efforts.
- Reviewing CSR reports for the program as a whole and for each attorney and case handler to identify emerging legal issues and trends and assess caseload diversity.
- Developing advocacy strategies to address identified legal issues and trends.
- Approving appeals and litigation requests in view of program priorities and resources.

Criterion Two. Private attorney involvement.

Finding 14: GLSC has a complete waiver of its PAI requirement.

LSC has each year granted GLSC a waiver of its obligation under 45 CFR Part 1614 to expend the equivalent of 12.5% of its basic field grant on private bar involvement. Nonetheless, the program recognizes the value of involvement with the private bar, and encourages its attorneys to be active in the bar association.

Recommendation

III.14.1. GLSC is encouraged to continue its support for the involvement of its attorneys in the private bar. Such involvement can breed support for the program, and can encourage attorney interest in serving on the board.

Criteria Three and Four. Other program services and activities to and on behalf of the eligible client population.

Finding 15: The GLSC partnership with the courts and a domestic violence shelter to support kiosks for pro se litigants provides a significant and promising opportunity to expand access to justice for the client community.

After several delays, the new TIG-funded kiosk project for pro se litigants had its formal launching on May 1, 2010, in conjunction with Law Day. The project is a collaboration of GLSC, the Unified Courts of Guam, and the Alee Shelter for victims of domestic violence. Computers in the courts and the shelter use the HotDocs program to enable pro se litigants to prepare pleadings for uncontested divorces, adult guardianships, and guardianships of minors. In 2008, 46% of the court decisions obtained by GLSC were in uncontested cases, primarily in these areas of law. While the kiosk will serve pro se litigants regardless of income, it is still likely to free up GLSC staff to work on more complex matters.

Recommendation

III.15.1. GLSC is encouraged to support and promote the new kiosks and as the project takes hold, and to explore other opportunities for addressing the legal needs of the low-income community in addition to direct, staff-based services.

Finding 16: GLSC has made significant progress in the development of its website.

During the past year, GLSC has made significant progress in the development of its website, www.lawhelp.org/gu. The site now includes a brief history of GLSC, a description of services provided, contact information, and consumer materials on a variety of topics. Staff reported that in the near future the website will host an intranet and email service for GLSC staff.

Recommendation

III.16.1. GLSC is encouraged to continue to develop its website, and in so doing to consider posting the pre-screening application thereon, so that applicants with access to computers can download and complete it before coming into the program office.

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

Criterion One. Board governance.

Finding 17: The GLSC board of directors is not appropriately engaged in the work of the program and is not meeting its obligations under the LSC regulations.

GLSC has a six person board of directors, and all positions are currently filled. Membership is diverse and reflects the community. Two client members joined in 2009. The client board members are enthusiastic about their involvement in the program and hope to take an active role. Attorney board members expressed support for GLSC and its current management team.

The GLSC board has no committees. There are no term limits and there is no attendance policy. The board chair attended the board track at the 2008 NLADA conference, but other than that the board has had no formal training on its responsibilities. Some board members interviewed expressed a desire for such training.

It is apparent to LSC from interviews with board members and reviews of board minutes since January 2008 that despite expressed support for the program, the board is not meeting all of its responsibilities. The LSC regulations require grantee boards of directors to meet at least four times a year. 45 CFR 1607.4 (a). The GLSC by-laws reflect this requirement. In 2008, the board met in January and June. While there were meetings scheduled and agendas prepared in April, August and November of 2008, no minutes could be found. In 2009, the board met in April, July, and September. It did not meet between September 2009 and April 2010, the month of the LSC visit. The minutes from the meetings that did occur from January 2008 through September 2009 show only three board members in attendance. When asked about low meeting attendance, board members cited traffic, and work and personal obligations.

Recognizing the need for the board to meet, program management tries to vary the day of the week and the time of meetings with little success. No matter when the meetings are scheduled, attorney members miss them. GLSC management has resorted to conducting business by resolution, consistent with the board bylaws. Working with the board chair, the executive director and administrative director will draft resolutions that are then circulated to the board for consideration and adoption. LSC is very concerned about this practice, as not only does it not lend itself to needed discussion and deliberation, it does not comply with the regulations.

Program staff work hard to involve the board. The administrative director provides the board with frequent (sometimes daily) written updates on program activities, and both she and the executive director are in regular communication with the board chair. The board receives regular budget reports. The board chair cosigns all checks written on the program account, after reviewing documentation for the payments to be sure that it is sufficient.

When board meetings are held, the executive director, administrative director, program coordinators, and bookkeeper attend. Attorneys and advocates have not routinely made presentations to the board on their cases and projects.

Recommendations

IV.17.1. GLSC should take all steps necessary to ensure that the board is providing effective oversight of and involvement in major policy decisions and is meeting its affirmative responsibilities to the program. All members of the GLSC board of directors should receive regular training on the LSC Act and regulations, and on their fiscal, fiduciary, and other responsibilities. New members should receive orientation to the program. Some training might be available via webinar or other distance learning mechanisms. If finances permit, board members could attend trainings at national

conferences, including the board track at the annual NLADA conference. Some board governance resources are available through the LSC website at www.lri.lsc.gov and also at www.managementhelp.org and www.boardsource.org.

IV.17.2. The GLSC board should meet regularly, at a minimum four times a year in accordance with the regulations. The board could consider a certain level of flexibility, such as conference calls, for some meetings.

IV.17.3. The GLSC should develop policies to ensure adequate attendance at meetings.

IV.17.4. The GLSC board is urged to consider adopting a term limits policy for board members.

Finding 18: The requirements for the composition of the governing board of a protection and advocacy agency are not necessarily compatible with the LSC requirements.

Protection and advocacy agencies are required to include a certain level of representation from the disability community. GLSC is not meeting that requirement currently and is in discussion with its other funders to determine whether expanding the board, or perhaps creating an advisory board for the protection and advocacy unit, would suffice.

Recommendation

IV.18.1. GLSC should ensure that any changes made to the composition or size of the governing board to meet the requirements of other funders also comport with the requirements of the LSC regulations, 45 CFR 1607.

Criteria Two and Three. Leadership, management and administration.

Finding 19: GLSC leadership and management structure appears to be effective.

During the past three years, GLSC has undergone significant leadership and staffing changes, including the departure of a long-time executive director and the complete turnover of attorneys and some other staff. The departing executive director was replaced by an executive director who made improvements to the program's management and operations structure and took steps to invigorate the LSC unit, but stayed only one year. The current executive director joined the program in 2008. He has many years of experience as executive director of the Public Defender Service and more recently was in private practice. He appears to have the respect of staff and the community, and has continued to move the program forward.

When GLSC underwent the first round of leadership changes three years ago, it became clear that for some years prior to that time, information about program management and administration had not been shared with the board or with staff.

Seeking to avoid a repeat of that scenario, current management has taken steps to assure that management and administration responsibilities should not rest in a single individual, and that the administrative director should have direct access to the board should the need arise. As a result, the senior management structure is unusual and at times, confusing. The executive director holds the title, "executive director of litigation." In addition to overall responsibility for GLSC management, he directly supervises the staff attorneys. He also directly supervises the administrative director. The administrative director is responsible for program administration. She supervises the two program coordinators, the bookkeeper, the legal secretaries, the receptionist, and the file clerk/runner. The program coordinators are responsible for compliance with grant requirements, development of program manuals and procedures, and coordination of outreach and community education events. They jointly supervise the MIS advocate (technology coordinator) and each supervises the non-attorney advocates in her respective units.

Interviews suggest that this structure has created confusion for staff. Some staff perceive the executive director and the administrative director to have the same authority with regard to program management issues. The GLSC organizational chart adds to this confusion. For example, the chart appears to indicate that the administrative director is directly responsible to the board. GLSC has clarified to LSC that while the administrative director sends correspondence to the board, the executive director has ultimate authority on program management and administration. The program has also explained that the organizational chart is a work in progress, and that it reflects lines of communication as well as lines of supervision.

Program management is attentive to funder and other requirements. Resources allocated to management and administration appear to be appropriate.

GLSC does not have a formal succession plan, although the executive director is cognizant of the need to develop new leadership for the program.

Recommendations

IV.19.1. GLSC is urged to make clear to the board and to staff that while the administrative director may manage day-to-day administrative matters, the executive director is the final arbiter of those issues, and is the person responsible to the board.

IV.19.2. As GLSC revises its organizational chart, it is encouraged to identify lines of supervision, rather than lines of communication.

IV.19.3. GLSC is urged to identify opportunities for development of future program leaders.

Criterion Four. Financial administration.

Finding 20: GLSC appears to have sufficient staff responsible for financial administration.

GLSC has made a concerted effort to improve financial operations. The program now has a full-time bookkeeper who is supervised by the administrative director. The administrator has on-the-job experience, and the bookkeeper has a bachelor's degree in accounting. The bookkeeper hopes to attend a fiscal training for LSC grantee staff in the near future.

GLSC management seeks to be more transparent with regard to fiscal operations than previous administrations, and to a large degree they are succeeding. Staff report being involved in budget and funding discussions, and having a clearer picture of the program's financial stability than they had in the past. Information about funding levels and depletion status of individual grants is supposed to be provided to case handling staff, although interviews suggest that the information may need to be conveyed more clearly.

The board is provided with regular budget variance reports, and as described above, the executive director and the board chair review supporting documentation and cosign all checks written on the GLSC account. There is no minimum amount below which the check does not need to be cosigned.

In another effort to ensure fiscal responsibility and oversight, the program requires that three bids or price comparisons be obtained before any purchase is made. As with the cosigning of checks, there is no threshold amount for this process. Staff report that while they understand the need for careful budgeting, this process can sometimes be cumbersome, particularly when it involves small purchases.

Recommendations

IV.20.1. GLSC is encouraged to provide staff responsible for financial administration with appropriate training.

IV.20.2. GLSC is encouraged to inform legal staff about the depletion status of grants under which they are working so that they do not continue to charge work to a grant that has been depleted, or so that they can charge the activity to another grant if permissible.

IV.20.3. GLSC staff are encouraged to communicate with LSC on fiscal operations issues about which they have questions or concerns.

IV.20.4. GLSC is encouraged to consider whether a threshold could be established, below which checks need not be cosigned by the board chair and purchases would not need to be accompanied by three bids.

Finding 21: GLSC's financial administration was reviewed by OCE in April 2009.

OCE conducted a Follow-Up Review to GLSC in 2009 which focused in part on fiscal operations. By letter dated June 3, 2009, OCE described some issues of concern from the visit, noting that most were handled on-site immediately. Following the visit,

GLSC submitted to OCE revisions to its accounting manual and a plan to disburse unclaimed funds in the client trust account under the Guam unclaimed property laws.

The report from the audited financial statements of GLSC for the fiscal year ending December 2008 indicates a fund balance of \$96,762. In August 2009, GLSC requested a waiver of the fund balance, explaining that it was based upon a number of position vacancies that had since been filled. OCE granted GLSC a waiver to retain and carry over \$77,970, directing GLSC to return \$18,792 to LSC.

The LSC Office of Inspector General received the GLSC audit report for fiscal year 2008 on July 30, 2009. The OIG referred some findings to OCE. These findings have since been closed by both the OIG and OCE, based on the OCE visit to the program. GLSC has obtained an extension for submitting the 2009 audit report, to July 30, 2010.

Criterion Five. Human resources administration.

Finding 22: GLSC policies and staffing for human resources administration are generally effective.

At GLSC, human resources is the responsibility of the administrative director, who does not have specific training in this field. The program has a Personnel Policy and Procedures Manual, revised in May 2009 and currently undergoing internal review.

GLSC salaries appear to be competitive with other publically funded attorneys in the area and with legal services attorneys on the mainland. GLSC covers 100% of employee health insurance premiums and is researching options for a 401(k) plan.

Performance appraisals are conducted annually on the employee's anniversary date. The personnel manual includes a sample form with a checklist for scoring general criteria – performance, communication, attendance, knowledge and skills. It also includes written descriptions of factors to be considered organized by position description. However, it is unclear how the latter factors are assessed, as they are not incorporated in the evaluation form. The evaluation process appears to include an opportunity for employee comment and for some discussion of employee goals. It is not clear whether “employee goals” refers to professional development needs and requests, *i.e.*, training. Interviews with staff indicate a concern that, in some instances, the supervisor who conducts the evaluation is not the person who is most familiar with the employee's substantive work.

While attorneys attend a variety of trainings, administrative and support staff do not appear to have the same opportunities.

Recommendations

IV.22.1. GLSC is urged to identify skills training appropriate for administrative and support staff, and to facilitate their attendance at such training.

IV.22.2. The administrative director should attend appropriate training on human resources management.

IV.22.3. GLSC is encouraged to include in performance evaluations input from staff that are aware of the employee's substantive work, e.g., attorneys who work closely with advocates or legal secretaries.

Criterion Six. Internal communications.

Finding 23: Internal communications are generally effective, although there are some areas where morale could be improved.

Communication within the program appears to be generally effective and members of the staff are collegial and supportive of each other. In general, staff report that supervisors are approachable and that staff concerns will be heard and achievements will be recognized. However, it appears from the staff survey and interviews that there are times when morale is low, in part due to management communication styles and in part due to cost-cutting measures. Despite its small size, GLSC does not appear to hold all-staff meetings on a routine basis. The team received conflicting information on whether such meetings have been held in recent memory.

GLSC has made some preparations for steps to be taken in the event of an emergency. The program has developed emergency evacuation directions for staff, and as mentioned in Finding 12, above, has a system for off-site back-up of case files. It does not appear to have a plan for emergency communication among staff, or for relocation of work sites. In addition, it does not appear to have a plan for providing client services in the event of a disaster. This is vital in a service area such as Guam, which is vulnerable to weather-related emergencies.

Recommendations

IV.23.1. GLSC is urged to convene an all-staff meeting or retreat, separate from strategic planning, in the near future. The meeting could include a social event, some training or other updates, and an opportunity for staff to discuss concerns, perhaps with the assistance of an outside facilitator.

IV.23.2. GLSC should develop a more comprehensive plan for the continuation of services to clients in the event of a disaster or emergency. Examples of such plans are available on the LSC website at www.lri.lsc.gov.

Criterion Seven. Resource development and maintenance.

Finding 24: GLSC does not have a strategic plan for seeking funding other than the federal grants upon which it has come to rely.

LSC funds comprise approximately 35% of the GLSC budget. GLSC is the designated Protection and Advocacy agency for the territory, and as such receives several different federal grants to represent people with disabilities. It also receives funding from the United States Department of Justice Legal Assistance to Victims program.

The program currently receives no funding from the territorial government or private foundations. Guam does not have an IOLTA program.

GLSC does not have a strategic plan for resource development, or a staff person or board member(s) whose principal responsibility is resource development. The executive director and administrative director share this responsibility.

Recommendations

IV.24.1. GLSC is encouraged to involve the board in fundraising and to identify new sources of funding consistent with its goals and priorities.

IV.24.2. GLSC is encouraged to involve the private bar in seeking financial support for the program where possible. One source of funding might be filing fees, or a dues check-off. A newsletter about GLSC activities that is distributed to community partners, the courts, and the bar can help inform potential supporters about the work of the program and provide groundwork for fundraising.

Criteria Eight and Nine. Coherent and comprehensive delivery structure; participation in an integrated delivery system.

Finding 25: GLSC is making an effort to collaborate with other organizations in the service area and, in so doing, to enhance its role in the territory's legal services delivery system.

GLSC provides a range of civil legal services to the low-income community, including advice, brief services, and extended representation. As the protection and advocacy agency for the service area, GLSC also has strong ties to the disability community. Staff work collaboratively with other service providers and agencies on the island, including the Office of the Attorney General, Guam Homeless Coalition, Human Trafficking Inter-Agency Task Force, Alee Shelter (family violence), and Office of the Public Defender. Staff have begun to reach out to public housing programs.

All GLSC attorneys are members of the Guam Bar Association, and the executive director and board chair are members of its board of governors. The program's relationship with the courts is strong and will be further strengthened with the new kiosk for self-represented litigants. Guam has no access to justice commission or equivalent.