



The
Legal Aid Society
of Cleveland
Since 1905

September 17, 2009

Cynthia Schneider
Deputy Director
Office of Program Performance
Legal Services Corporation
3333 K Street, NW, 3rd Floor
Washington, DC 20007-3522

RE: Draft Program Quality Visit Report
Recipient #436050

Dear Ms. Schneider:

Thank you for the opportunity to respond to the Draft Program Quality Visit Report. We found the draft report very helpful and appreciate the recognition that The Legal Aid Society of Cleveland's "delivery structure is marked by a commitment to high quality work." We value the Legal Services Corporation's quality agenda, including the use of considerable resources to conduct program quality visits and provide feedback to programs. We enjoyed the week with the team from OPP and appreciate their time and thoughtfulness. We will take your recommendations to heart.

You asked for feedback regarding the report. There were a few inaccuracies and a few areas in which statements were incomplete. I have attached a document that attempts to clarify these issues. I would appreciate the opportunity to discuss these comments with you or with any member of the team.

Thanks again for your complimentary words and your recommendations for how we can improve.

Sincerely,

Colleen M. Cotter, Esq.
Executive Director

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Program Overview and Service Area

Page 2:

2nd paragraph, last sentence: Because we have integrated the Ashtabula and Lake/Geauga offices it is more accurate to say that we have 10 staff members at those offices, rather than trying to split them. Most staff spend significant time in both locations.

Summary of Findings

Page 3:

2nd paragraph, 5th sentence: Our telephone system is networked program wide. Call volume reporting is available for all offices, although we have not used those reports except in Cleveland, where we have more detailed call reports available for the Cleveland Intake Unit. Enhancement of our telephone system and reports regarding telephone usage are on our short list of technology projects.

2nd paragraph, last sentence: We will not be hiring a web designer. Instead, we will contract with a web designer.

3rd paragraph, last sentence: The sentence suggests that these treatises and manuals are in the past. This is current also. Those treatises cover landlord tenant, domestic violence and consumer.

4th paragraph, 3rd sentence: Using the phrase “the program and board are focused on resource development” suggests that we are focused on this, to the exclusion of other things. Perhaps better language would be “the program and board have put appropriate focus on resource development.”

4th paragraph, 4th sentence: Our last needs assessment was conducted in 2003, not 2006.

4th paragraph, last sentence: Overall we have not lost investment capital. We just didn't earn in 2008 and in early 2009 much money from our investments. We did not, however, record a loss.

Findings and Recommendations

Performance Area One, Finding 1:

Page 4:

3rd paragraph, 2nd sentence: The Dashboard is one of our outcome measurement tools, not the only one. We also use monthly outcome reports which we share with all staff to help us track outcomes.

Performance Area Two, Finding 2:

Page 5:

1st paragraph, 1st sentence: The intake unit is supervised by two experienced attorneys (the manager is a 3rd person, Tom Mlakar and Margaret Terry are supervisors, not managers).

1st paragraph, 4th sentence: The correct terminology is that we have a new Integration Committee, with an Intake Subcommittee.

1st paragraph, last sentence: We have two intake lines not five; but lines are staffed by five specialists.

2nd paragraph, 5th sentence: Walk-in and telephone intake data for all offices is available from the Pika case management system.

Page 6:

1st paragraph, last sentence: Questionnaires are updated at the initiative of the substantive unit, the deputy director or the intake unit. The current sentence makes it sound more rigid than it is.

2nd paragraph, 1st sentence: This should refer to the 2 intake unit supervising attorneys. They are not managing attorneys.

4th paragraph, 4th sentence: The topics for specialized advice clinics include: employment, unemployment, education including special education, expulsion and other disciplinary actions, immigration, and elder law issues.

Performance Area Two, Finding 5:

Page 8:

Last paragraph: This paragraph misstates our family law intake procedures and practice for processing case acceptance and the start of representation of new clients. It has both inaccurate and incomplete information. Below more accurately reflects the current status. I have highlighted the changes

The Intake and Case Acceptance Process in Family Law

Family Law intake is handled differently than general intake. *Domestic Violence intake is done continuously as is private custody intake and intake for applicants who have been served with divorce papers. Intakes for the pro se clinic for clients who meet the requirements for uncontested divorces are taken on the first Monday of each month. Other divorce (also termed "children at-risk") intake is limited to one day per week on Wednesdays.*

Review of new family law applications occurs at different times, depending on the type of case and the potential emergency involved. Domestic Violence applications are reviewed throughout the week, as they come in. Pro se clinic applications are accepted in a first come, first served basis. Private custody actions involving non-married parents are reviewed at least twice per week and are either rejected, provided counsel and advice, or assigned to an attorney for representation. "Children at-risk" divorce intakes are reviewed by the Family Law Unit managing attorney once a month, assessed for merit and then given to the Unit's paralegal to schedule appointments for in-depth interviews. All applications are assessed for emergency situations and are immediately reviewed if necessary. The review for non-emergencies may take up to one month, but generally occurs in much less time.

Four appointments *per day* are scheduled three days per week for divorce interviews. The appointments occur in the month following *the* month of the initial intake. *Cases are assigned to an attorney within fourteen to twenty-one days after completion of this interview.*

Cleveland Legal Aid's family law work has increased considerably in the last few years, as reflected in a the Case Disclosure reports filed with LSC in the second half of 2008 and first half of 2009, from 137 to 192, with 121 of the 192 cases filed in 2009 being "children at-risk" divorces.

Drop offs and "buzz words"

The report states that staff report that at least 20% do not appear for their interview appointment. In our experience, this is not an unusual drop off rate, and in fact might be relatively low in the area of family law, where emotions run high and clients often change their minds.

The Legal Aid Society of Cleveland, Recipient #436050
Items for correction or clarification
in Draft LSC OPP Report (dated August 18, 2009)

The report also states that staff reported a sense that applicants learn the buzz words through reapplying to enable them to reach the next step in the intake and case process, i.e., domestic violence or a danger to the child. We have no data to show this to be the case, and believe the “finding” to reflect poorly on our clients, suggesting that they will misrepresent their situation in order to obtain representation.

Performance Area Two, Finding 7:

Page 10:

1st paragraph, last sentence: We offer services in various languages through bilingual staff, use of in-person interpreters, and use of Language Line Services.

Performance Area Three, Finding 8:

Page 10:

1st paragraph, 1st sentence: More than “several” of our advocates have more than 10 years of experience. Many have more than 20 years of experience.

1st paragraph, 2nd sentence: Our advocates who are recognized experts include managing attorneys, supervising attorneys and senior attorneys. The draft is limited to managing attorneys.

1st paragraph, 4th sentence: Three of our attorneys have master’s degrees in social work.

1st paragraph, 2nd to last sentence: While our attorneys do a lot of their document preparation, copying and scanning, it is inaccurate to say they are responsible for all of it. We do have support staff, although perhaps not enough.

Performance Area Three, Finding 11:

Page 12:

1st paragraph, 4th sentence and later: This section is inaccurate. The case acceptance criteria for HEWII cases are not vague. We have intake questionnaires for education, wage, tax, public benefits and immigration most of which use branching logic and a memorandum that provides the same guidance for Unemployment Compensation cases. We have not yet put the UC guidelines into a questionnaire, but the guidance for case acceptance has been developed and

is used by the intake specialists. This memorandum and the questionnaires for education, wage, tax, and immigration screen cases out that do not meet our case acceptance guidelines. For example, for the Wage Project, we screen out cases where the issue is job discrimination, union contract disputes, Cobra, Family Medical Leave Act, or lack of promotion. For cases that are screened out, we provide brief advice and/or referral information with letters that are already developed.

It is true that for safety net public benefits cases our case acceptance guidelines are fairly broad and more inclusive. Most of the public benefits cases receive more thorough analysis by an attorney and receive at least brief advice. We also refer many to the law school clinics and to *pro bono* attorneys. However, the fact that most public benefits cases meet our case acceptance criteria does not mean that we do not have such criteria.

HEWII attorneys, like attorneys in family law, consumer and housing do review applications before they pursue legal arguments to make sure that they those arguments have merit, and that we have sufficient resources for the case. For all of the units, they do so only after the cases have been determined to fit within Legal Aid's case acceptance criteria and priorities.

The confusion in this section may be due to the fact that during the LSC OPP visit we were developing our case acceptance criteria for unemployment compensation cases. As the current recession progressed and we saw more and more applicants come to us with unemployment compensation cases, we had to shut down our intake for a short period to develop some materials for those applicants and to develop our case acceptance criteria. We no longer were able to handle the volume of cases that come in. The new case acceptance criteria for Unemployment Compensation cases as well as the questionnaires we use for tax and employment cases are attached.

Performance Area Three, Finding 13

Page 13:

1st paragraph: The Legal Aid Attorney Development Protocol has clear expectations regarding responsibility as attorneys develop, but it does not include numbers of cases. The "15 – 20 with a split of 75%" language quoted here is a from a sample plan, not a directive. The Attorney Development Protocol specifically states that case assignment should be done in consideration of a number of factors, including level of experience, other work assignments, and capacity of the individual attorney. Cleveland Legal Aid does not have a policy regarding case load numbers, but does have a policy regarding the factors to be considered for case loads.

The Legal Aid Society of Cleveland, Recipient #436050
Items for correction or clarification
in Draft LSC OPP Report (dated August 18, 2009)

2nd paragraph: Intake Unit has one manager and 2 supervising attorneys.

Page 13, Recommendation III.13.1:

First paragraph: Cleveland Legal Aid does clearly define supervisory expectations and duties in writing. See the Supervising Attorney job description and the Attorney Development Protocol.

Performance Area Three, Finding 15

Page 14:

1st paragraph, 4th sentence: Brief advice clinics are always staffed by both VLP staff and other Cleveland Legal Aid attorneys.

2nd paragraph: This section is unclear. We have brief advice clinics and the one-to-one match in all of our counties. We also have signature projects in the Cleveland office and have begun to expand them into the other counties. A number of firms participate in our special projects, with Squire Sanders & Dempsey and Jones Day being two examples of those.

Performance Area Four, Finding 17:

Page 16:

1st partial paragraph: All board members (not just attorney board members) may serve up to two three-year terms.

Performance Area Four, Finding 19:

Page 17:

Finding 19: The statement "leadership development opportunities are not made available to all staff" is overstated. Two years ago we developed several new positions, to provide staff the opportunity to move into more responsibility. For example, we created Supervising Attorney, Senior Attorney, Paralegal I, Paralegal II, and Intake Specialist II positions. We also have formed numerous committees regarding various topics and often called for volunteers for those committees.

2nd paragraph, 2nd sentence: The person referred to here as a managing attorney is actually a supervising attorney.

The Legal Aid Society of Cleveland, Recipient #436050
Items for correction or clarification
in Draft LSC OPP Report (dated August 18, 2009)

2nd paragraph, last sentence: One managing attorney, one supervising attorney and one staff attorney/social worker participate in the leadership development initiative.

Performance Area Four, Finding 23:

Page 19:

2nd paragraph, 1st sentence: The term “aggressive” for our media campaign does not fit what we do. Perhaps “strategic” or “active”?

2nd paragraph, 2nd to last sentence: Legal Aid staff do not learn about Legal Aid at events such as Thirst for Justice. Instead, supporters and members of the legal community learn about Legal Aid’s work.

3rd paragraph, 4th sentence: We will contract with but not hire a web designer.

Performance Area Four, Finding 24:

Page 20:

1st paragraph: We use Raiser’s Edge for our development software. (Razor’s Edge is simply a misspelling of the actual software name, Raiser’s Edge.) We use it for our organization-wide development efforts. However, it is not clear how Raiser’s Edge helps to integrate the branch offices. We use several other software packages organization-wide and we have a staff intranet site, all of which are tools for integration. The use of Raiser’s Edge seems unrelated to this topic.

Unemployment Compensation -- Intake Reopened On Limited Bases (June 2009)

We have reopened unemployment intake on a limited basis in Cuyahoga County effective June 2009. We will not be accepting cases already at the UCRC level at this time. We will accept cases for evaluation that are at the initial Office of UC level and at Redetermination level. All potential clients contacting us about UC cases should speak to an intake specialist. The intake specialist will determine the level of the case and then follow steps below.

Result 1: If the claimant is **calling about a notice** issued by the Office of Unemployment or the Redetermination Unit . . .

A. We are currently accepting unemployment cases for evaluation.
Please find out:

1. the level of the case.
2. is there an appeal deadline.
3. what is the appeal deadline.
4. has the client appealed
5. what are the issues listed on the notice (why was the client denied, why is the employer appealing, etc

B. No advice given.

C. Tell the claimant:

1. Read ALL notices **carefully** -- follow the instructions on the notice.
2. File all appeals before the appeal deadline listed on the notice.
3. Keep copies of your appeals and proof of mailing.
4. If you do not understand the notice, call the office that sent you the notice – use the telephone number listed on the notice.
5. Ask for an explanation of the notice.

6. If you need help in faxing your appeal, you may come to our office.
7. We are sending you a letter with an Citizenship form. Please get this to our office with your papers as soon as possible so we can determine if we can help you.

- D. Send “uc – intake letter and information sheet” found under All Intake . . . Employment.
- E. PC is 76-Unemployment Compensation
- F. None.

Result 2: If the claimant received any notice from the UCRC (either Notice that an appeal has been transferred to the UCRC or the Hearing Notice). . .

- A. We are not able to take hearing level cases at this time.
- B. No advice given.
- C. Tell the claimant:
1. **Carefully** read ALL instructions attached to the UCRC notices which explain the hearing procedures.
 2. If you do not understand the notices, please call the Review Commission at (866) 833-8272.
 3. Ask for an explanation of the notices.
 4. We will send you other information and tips.
- D. Send “uc –hearing level intake closed letter and information sheet” found under All Intake . . . Employment.
- E. PC is 76-Unemployment Compensation . . . Not Served – Lack of Resources . . .
- F. Record OS . . . PC is 76 . . . Service provided is 129 (Referred to other source of assistance).

Result 3: If the claimant has **already had a hearing** . . .

- A. Case does not meet our acceptance criteria and we can not assist.
- B. No advice given.
- C. Tell the claimant:

1. **Carefully** read the UCRC decision which contains the appeal rights for the decision.
 2. If you do not understand the appeal rights, please call Review Commission at (866) 833-8272.
 3. Ask for an explanation of your appeal rights.
 4. Need to proceed on your own or contact a private attorney.
 5. To find an attorney, may contact CMBA at (216) 696-3532.
- D. Send “uc post hearing denial letter” found under All Intake . . . Employment.
- E. PC is 76-Unemployment Compensation . . . Not Served – Lack of Resources . . .
- F. Record OS . . . PC is 76 . . . Service provided is 129 (Referred to other source of assistance).

Employment Questionnaire Revised March 11, 2008

[Introduction]

1.) [NOTE FOR INTAKE SPECIALIST ONLY -- do not ask this question!]

Please confirm this employer/ business has been added to Pika as an opposing party and attached to this case. If necessary, please exit the questionnaire, add the opposing party's name, business address and telephone number. Also, review conflicts!

Yes, already done | 2

No, exit | 0

2.) How many employees work for this employer/ business?

[Please estimate whether the number is MORE or LESS than 50, if necessary.]

Number of Employees: | 3

3.) What is (was, OR would have been) your job with this employer/ business?

Job Title: | 4

4.) What is your **current** employment status concerning the job for which you want help?

Not Hired | 5

Employed (Still Working There) | 6

No Longer Employed (Laid Off, Terminated or Quit) | 8

Unknown | 12

[Not Hired]

5.) When did this incident occur?

More than 3 Years Ago | 19

Less than 3 Years Ago | 28

[Currently Employed]

6.) When were you hired by this employer/ business?

Date of Hire: | 7

7.) When did the most recent problem occur?

More than 3 Years Ago | 19

Less than 3 Years Ago | 14

[No Longer Employed]

8.) Are you STILL unemployed?

Yes, not working | 30

No, employed elsewhere | 9

9.) When were you hired by the former employer/ business?

Date of Hire: | 10

10.) When was your last day of employment?

More than 3 Years Ago | 19

Less than 3 Years Ago | 14

11.) [Not Used at This Time!]

Summary: | 0

[Unknown]

12.) When were you hired by this employer/ business?

Date of Hire: | 13

13.) When did the most recent problem occur?

More than 3 Years Ago | 19

Less than 3 Years Ago | 14

[Union]

14.) Is this job covered by a Union contract?

Yes | 15

No | 20

15.) What Union?

Union Name: | 16

16.) Have you contacted a Union representative concerning this problem?

Yes | 17

No | 18

17.)

- A. Inform applicant case does not meet acceptance criteria for Legal Aid because not currently handling those types of employment problems where Union exists.
- B. No advice given.
- C.
 - 1. If you want a second opinion, you may call the National Labor Relations Board at (216) 522-3715.
 - 2. If you are a state or municipal government employee, you may also contact the State Employment Relations Board at (614) 644-8573.
 - 3. Otherwise, if want an attorney to handle this matter, need to contact a private attorney. But, you would need to pay attorney's fees and costs.
 - a. In Ashtabula County, find private attorney by looking in the telephone book.
 - b. In Cuyahoga, refer to BOTH bar associations.
 - CCBA is (216) 621-2414.
 - CBA is (216) 696-3532.
 - c. In Geauga, refer to bar association at (440) 286-7160.
 - d. In Lake, refer to bar association at (440) 350-5800.
 - e. In Lorain, find private attorney by looking in the telephone book.
 - 4. Where still unemployed, you may be entitled to unemployment compensation benefits.
 - a. You can file an application for UC benefits by contacting the Ohio Department of Jobs and Family Services at (877) 644-6562 or <http://unemployment.ohio.gov>.
 - b. I will send you a flyer which explains the UC application process.
 - c. In the future, if you are denied UC benefits, you can call Legal Aid again to determine whether we will assist you in that claim.
- D. Send "denial (union) ltr" located under All Intake... Employment. Always enclose the UC Flyer located under All Intake... Employment explaining how to register for UC benefits.
- E. PC is 21-Job Discrimination OR 22-Wage Claims OR 25-Employee Rights OR 26-Agricultural Worker Issues (Not Wage Claims/ FLSA Issues) OR 29-Other Employment... Status is Not Served -- Lack of Resources... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 21, 22, 25, 26 or 29... Service provided is 122 (Referred to private bar) or 129 (Refer to other source of assistance).

Summary: | 0

18.)

- A. Inform applicant case does not meet acceptance criteria for Legal Aid because not currently handling those types of employment problems where Union exists.
- B. No advice given.
- C.
 - 1. Contact your Union representative to see what, if any, help is available.
 - 2. If you want a second opinion, you may call the National Labor Relations Board at (216) 522-3715.
 - 3. If you are a state or municipal government employee, you may also contact the State Employment Relations Board at (614) 644-8573.
 - 4. Otherwise, if want an attorney to handle this matter, need to contact a private attorney. But, you would need to pay attorney's fees and costs.
 - a. In Ashtabula County, find private attorney by looking in the telephone book.
 - b. In Cuyahoga, refer to BOTH bar associations.
 - CCBA is (216) 621-2414.
 - CBA is (216) 696-3532.
 - c. In Geauga, refer to bar association at (440) 286-7160.
 - d. In Lake, refer to bar association at (440) 350-5800.
 - e. In Lorain, find private attorney by looking in the telephone book.
 - 5. You may be entitled to unemployment compensation benefits.
 - a. You can file an application for UC benefits by contacting the Ohio Department of Jobs and Family Services at (877) 644-6562 or <http://unemployment.ohio.gov>.
 - b. I will send you a flyer which explains the UC application process.
 - c. In the future, if you are denied UC benefits, you can call Legal Aid again to determine whether we will assist you in that claim.
- D. Send "denial (union) ltr" located under All Intake... Employment. Always enclose the UC Flyer located under All Intake... Employment explaining how to register for UC benefits.
- E. PC is 21-Job Discrimination OR 22-Wage Claims OR 25-Employee Rights OR 26-Agricultural Worker Issues (Not Wage Claims/ FLSA Issues) OR 29-Other Employment... Status is Not Served -- Lack of Resources... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 21, 22, 25, 26 or 29... Service provided is 122 (Referred to private bar) or 129 (Refer to other source of assistance).

Summary: | 0

[SOL Denial]

19.)

- A. Inform applicant case does not meet acceptance criteria for Legal Aid because not currently handling those types of employment problems where incident occurred over 3 years ago.
- B. No advice given.
- C. If you want a second opinion, need to contact a private attorney. But, you would need to pay attorney's fees and costs.
 - a. In Ashtabula County, find private attorney by looking in the telephone book.
 - b. In Cuyahoga, refer to BOTH bar associations.
 - CCBA is (216) 621-2414.
 - CBA is (216) 696-3532.
 - c. In Geauga, refer to bar association at (440) 286-7160.
 - d. In Lake, refer to bar association at (440) 350-5800.
 - e. In Lorain, find private attorney by looking in the telephone book.
- D. Send "denial (general) ltr" located under All Intake... Employment. Always enclose the UC Flyer located under All Intake... Employment explaining how to register for UC benefits.
- E. PC is 21-Job Discrimination OR 22-Wage Claims OR 25-Employee Rights OR 26-Agricultural Worker Issues (Not Wage Claims/ FLSA Issues) OR 29-Other Employment... Status is Not Served -- Lack of Resources... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 21, 22, 25, 26 or 29... Service provided is 122 (Referred to private bar) or 129 (Refer to other source of assistance).

Summary: | 0

[Problem Type]

20.) **[NOTE FOR INTAKE SPECIALIST ONLY -- do not ask this question!]**

Describe the type of employment problem?

COBRA Rights | 21
Discrimination | 28
Family Medical Leave Act | 28
Lack of Promotion | 28
License Revocation | 23
Pension Dispute | 21
Wage and Hour Claim | 25
Wrongful Discharge | 28
Other Unfair Treatment or Conditions at Work | 28

[COBRA Rights] [Pension Dispute]

21.)

- A. Inform applicant case does not meet acceptance criteria for Legal Aid because not currently handling those types of employment problems.
- B. No advice given.
- C.
 - 1. **Refer to Ohio Pension Rights Project at Pro Seniors for assistance. Call (800) 488-6070.**
 - 2. If you want a second opinion, need to contact a private attorney. But, you would need to pay attorney's fees and costs.
 - a. In Ashtabula County, find private attorney by looking in the telephone book.
 - b. In Cuyahoga, refer to BOTH bar associations.
 - CCBA is (216) 621-2414.
 - CBA is (216) 696-3532.
 - c. In Geauga, refer to bar association at (440) 286-7160.
 - d. In Lake, refer to bar association at (440) 350-5800.
 - e. In Lorain, find private attorney by looking in the telephone book.
- D. Send "pension-cobra info ltr" located under All Intake... Employment.
- E. PC is 22-Wage Claims... SPC is 22-2, Pension and Other Benefits... Status is Not Served -- Lack of Resources... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 22... Service provided is 122 (Referred to private bar) or 129 (Refer to other source of assistance).

Summary: | 0

[License Revocation]

22.) [Not Used at This Time!]

Summary: | 0

23.) What type of license is at issue?

Child Day Care License: | 48

Other Occupational License: | 36

24.)

- A. Case approved for review.
- B. No advice given.
- C. Here is what happens now.
 - 1. Please gather copies of ANY documents needed to evaluate your case.
 - 2. You need to fax, mail or bring the papers to Legal Aid as soon as possible.
 - 3. You will be contacted by telephone within the next 10 days. If you do not hear from us within 10 days, then please call us back.

- D. None.
- E. PC is 93-Licenses (Drivers, Occupational, and Others)... SPC is 93-3, Other Professional License... Case Status is Pending... In Cuyahoga, send to Stephanie Jackson for review
- F. None.

Summary: | 0

[Wage and Hour Claims]

25.)

- A. Inform applicant case does not meet acceptance criteria for Legal Aid because not currently handling those types of employment problems.
- B. No advice given.
- C.
 - 1. Tell applicant to file a Complaint with the Ohio Department of Commerce Wage and Hour Bureau, who handles wage disputes. I am sending you a letter describing how to file the Complaint.
 - 2. A Complaint form will also be included.
 - 3. Another option is to file a lawsuit in Small Claims Court. The unpaid wages must be \$3000 or less to go to Small Claims Court. I will send you a pamphlet that explains the Small Claims process.
 - 4. If you want a second opinion, need to contact a private attorney. But, you would need to pay attorney's fees and costs.
 - a. In Ashtabula County, find private attorney by looking in the telephone book.
 - b. In Cuyahoga, refer to BOTH bar associations.
 - CCBA is (216) 621-2414.
 - CBA is (216) 696-3532.
 - c. In Geauga, refer to bar association at (440) 286-7160.
 - d. In Lake, refer to bar association at (440) 350-5800.
 - e. In Lorain, find private attorney by looking in the telephone book.
- D. Send "wages info ltr" located under All Intake... Employment. Always enclose the Small Claims brochure with this letter.
- E. PC is 22-Wage Claims... Status is Not Served -- Lack of Resources... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 22... Service provided is 122 (Referred to private bar).

Summary: | 0

26.) [Not Used at This Time!]

Summary: | 0

27.) [Not Used at This Time!]

Summary: | 0

[Discrimination, Lack of Promotion, Wrongful Discharge... Other Unfair Stuff at Work]

[Protected Status]

28.)

- A. Inform applicant case does not meet acceptance criteria for Legal Aid because not currently handling those types of employment problems.
- B. No advice given.
- C.
 - 1. If you believe that your **employment problem is due to discrimination** you can contact:
 - a. the Equal Employment Opportunity Commission (EEOC) at (216) 522-2001; and
 - b. the Ohio Civil Rights Commission at (216) 787-3150.
 - c. At this time, the Cleveland NAACP and the U.S. EEOC are teaming up to assist employees file employment complaints.
 - d. On the first Wednesday of each month, from 9:30 a.m. to 3:00 p.m., EEOC staff will be available at the Cleveland NAACP office to talk with you, discuss your employment problems and to help file the necessary forms to investigate complaints against an employer.
 - e. The NAACP office is located on 2131 Stokes Blvd., Cleveland.
 - 2. Otherwise, if you want help, need to contact a private attorney. But, you would need to pay attorney's fees and costs.
 - a. In Ashtabula County, find private attorney by looking in the telephone book.
 - b. In Cuyahoga, refer to BOTH bar associations.
 - CCBA is (216) 621-2414.
 - CBA is (216) 696-3532.
 - c. In Geauga, refer to bar association at (440) 286-7160.
 - d. In Lake, refer to bar association at (440) 350-5800.
 - e. In Lorain, find private attorney by looking in the telephone book.
- D. Send "denial (prot. status) ltr" located under All Intake... Employment. Always enclose the UC Flyer located under All Intake... Employment explaining how to register for UC benefits.
- E. PC is 21-Job Discrimination OR 29-Other Employment... Status is Not Served -- Lack of Resources... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 21 or 29... Service provided is 122 (Referred to private bar).

Summary: | 0

29.) [Not Used at This Time!]

Summary: | 0

[Unemployment Compensation]

30.) Have you applied for Unemployment Compensation benefits?

Yes | 31

No | 34

31.) Are you receiving UC benefits?

Yes | 9

No | 32

32.) Do you want help with your claim for UC benefits?

Yes | 33

No | 9

33.) CLIENT REQUIRES ASSISTANCE CONCERNING CLAIM FOR UC BENEFITS. Please complete Employment screening AND then open separate file for UC benefits.

Click Save and Continue: | 9

34.) When did you last work at ANY job?

MORE than 18 months ago | 9

LESS than 18 months ago | 35

35.) You may be entitled to unemployment compensation benefits.

- a. File a claim for UC benefits by calling the Ohio Department of Jobs and Family Services at (877) 644-6562;
- b. OR, file a claim by logging onto <http://unemployment.ohio.gov>;
- c. Keep ANY proof of filing the claim;
- d. Also, save ALL your papers from the county; and
- e. I will be sending a flyer which explains the unemployment application process.
- f. In the future, if you are denied UC benefits, you can call Legal Aid again to determine whether we will assist you in that claim.

Advice Summary: | 9

[License Revocation continued]

36.) Why is your license suspended, or are you being threatened with a suspension?

Reason: | 37

37.) Have you received any written notice or letter related to the suspension?

Yes | 38

No | 41

38.) What was the date of the notice or letter?

Date: | 39

39.) What does the notice or letter state?

Description: | 42

40.) [Not Used at This Time!]

Summary: | 0

41.) What have you been told regarding the license suspension?

[Briefly describe who, what, when, where, and why, etc. as appropriate.]

Description: | 42

42.) Is there a deadline for appealing this suspension?

Yes | 43

No | 45

43.) What is the appeal deadline?

Date: | 44

44.) Have you filed an appeal?

Yes | 45

No | 45

Tax Questionnaire Revised March 6, 2008

1.) What is the nature of your tax problem?

Income Tax – related to employment or other income the IRS says you received | 5
Estate and Gift Tax – related to the death of another person | 2
Property Tax – related to current or past ownership of real estate | 4
Sales Tax – related to current or past ownership of a business | 2
Unknown | 2

2.) Please describe the tax problem for which you want help from Legal Aid.

[Use 2-3 sentences to clarify who, what, when, where, and why, etc. as appropriate.]

Description: | 3

3.)

- A. LASC will not represent you in this tax matter because it does not meet the acceptance criteria for our Low Income Tax Clinic, which handles disputes concerning federal income taxes. But, we will review the facts of your case to see if we can assist you through our Volunteer Lawyers Program.
- B. No advice provided.
- C. Here is what happens now.
 - 1. Inform applicant that we will need copy of any papers and notices regarding this tax problem. Please send or bring such items to LASC as soon as possible.
 - 2. We will send a Citizenship Statement that must be signed and returned to us.
 - 3. Until these items have been returned we cannot review this case or seek a volunteer attorney.
 - 4. Please be aware that our Volunteer Lawyers Program may not be able to find an attorney, but will make a reasonable effort to do so.
 - 5. At this time, you remain responsible for protecting your rights, meeting any deadlines and attending any court hearings.
- D. Send "pro bono ltr with ctznship and understanding form" located under All Intake... Administration.
- E. PC is 95-Wills/ Estates and SPC is 95-2, other estate planning/ administration OR 91-Legal Assistance to Non-Profit Organization and 91-1 general corporate/ non-profit... Office is VLP... Status is Pending...
- F. None.

Summary: | 0

4.)

- A. Case does not meet acceptance criteria for LASC because it involves property taxes.
- B. No advice provided.
- C. But here is some information that might help you.
 - 1. In Cuyahoga County, applicant may be able to get help with payment plan by contacting Taxpayer Services with the Cuyahoga County Treasurer. Call (216) 443-7420 for assistance. Select option # 4 from the menu.
 - 2. To determine if you are eligible for the Homestead Exemption, contact you County Auditor:
 - a. In Ashtabula County, call (440) 576-3783.
 - b. In Cuyahoga, call (216) 443-7050.
 - c. In Geauga, call (440) 279-1600.
 - d. In Lake, call (440) 350-2510 or (800) 899-5253.
 - e. In Lorain, call (440) 244-6261 and for Elyria (440) 329-5148.
 - 3. Alternatively, you may be able to prevent a judgment and sale by filing a Chapter 13 Bankruptcy. LASC does not handle bankruptcies.
 - 4. If want an attorney to handle this matter, need to contact a private attorney. But, applicant would need to pay attorney's fees and costs.
 - a. In Ashtabula, find attorney by looking in the telephone book.
 - b. In Cuyahoga, refer to CMBA at (216) 696-3532.
 - c. In Geauga, refer to bar association at (440) 286-7160.
 - d. In Lake, refer to bar association at (440) 350-5800.
 - e. In Lorain, find private attorney by looking in the telephone book.
- D. None.
- E. PC is 62-Homeownership/ Real Property... SPC is 62-6, property taxes/ tax foreclosure... Status is Not Served... Lack of Resources is reason... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 62... Service Provided is 129 (Referred to other source of assistance) OR 122 (Referred to private bar).

Summary: | 0

5.) Are you ONLY seeking help in preparing and filing an income tax return?

Yes, I ONLY want help in preparing and filing a return. | 6

No, I need help with a dispute involving income tax. | 10

6.) In what county do you live?

Ashtabula | 8

Cuyahoga | 7

Gauga | 8

Lake | 8
Lorain | 7

7.)

- A. Case does not meet acceptance criteria for LASC because it ONLY involves tax preparation and LASC does not provide such services.
- B. No advice provided.
- C. Inform applicant to contact one of the following agencies to get assistance in preparing and filing income tax returns.
 - 1. Your local First Call For Help.
 - a. In most counties, the number is 211.
 - b. In Lorain County, call (440) 328-5726.
 - 2. The Cuyahoga County First Call for Help at (216) 436-2000.
 - 3. IRS Taxpayer Assistance at (800) 829-1040.
- D. Send "tax prep (tax season) referral letter" located under All Intake... Public Benefits and Tax.
- E. PC is 24-Taxes (Not EITC)... SPC is 24-9, other federal income tax... Status is Not Served... Lack of Resources is reason... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 24... Service Provided is 123 (Referred to provider of human or social services.)

Summary: | 0

8.)

- A. Case does not meet acceptance criteria for LASC because it ONLY involves tax preparation and LASC does not provide such services.
- B. No advice provided.
- C. Inform applicant to contact one of the following agencies to get assistance in preparing and filing income tax returns.
 - 1. Your local First Call For Help.
 - a. In most counties, the number is 211.
 - b. In Lorain County, call (440) 328-5726.
 - 2. The Cuyahoga County First Call for Help at (216) 436-2000.
 - 3. IRS Taxpayer Assistance at (800) 829-1040.
- D. Send "tax prep (off season) referral" letter located under All Intake... Public Benefits and Tax.
- E. PC is 24-Taxes (Not EITC)... SPC is 24-9, other federal income tax... Status is Not Served... Lack of Resources is reason... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 24... Service Provided is 123 (Referred to provider of human or social services.)

Summary: | 0

9.) [Not Used at This Time!]

Summary: | 0

10.) What level of government is involved in your income tax dispute?

[Note -- Select highest level applicable.]

Federal (IRS) | 13

State (Ohio) | 11

Municipal (Local) | 11

11.) Please describe the tax problem for which you want help from Legal Aid.

[Use 2-3 sentences to clarify who, what, when, where, and why, etc. as appropriate. If state refund intercept, please explore underlying reason for other possible LASC case.]

Description: | 12

12.)

- A. LASC will not represent you in this tax matter because it does not meet the acceptance criteria for our Low Income Tax Clinic, which handles disputes concerning **federal** income taxes. But, we will review the facts of your case to see if we can assist you through our Volunteer Lawyers Program.
- B. No advice provided.
- C. Here is what happens now.
 1. Inform applicant that we will need copy of any papers and notices regarding this tax problem. Please send or bring such items to LASC as soon as possible.
 2. We will send a Citizenship Statement that must be signed and returned to us.
 3. Until these items have been returned we cannot review this case or seek a volunteer attorney.
 4. Please be aware that our Volunteer Lawyers Program may not be able to find an attorney, but will make a reasonable effort to do so.
 5. At this time, you remain responsible for protecting your rights, meeting any deadlines and attending any court hearings.
- D. Send "pro bono ltr with ctznship and understanding form" located under All Intake... Administration.
- E. PC is 24-Taxes (Not EITC)... SPC is 24-4, state or local income tax... Office is VLP... Status is Pending...

F. None.

Summary: | 0

13.) Is this a personal tax problem or a business related tax problem?

Personal | 16

Business-related | 14

Not sure | 16

14.) Are you now, or were you in the past when this tax problem occurred, "self-employed" or an "independent contractor"?

[Note – If applicant received a 1099 instead of, or in addition to a W-2, then this person is (was) self-employed or an independent contractor.]

Yes | 16

No | 15

Not Sure | 16

15.)

- A. Inform applicant case does not meet acceptance criteria for Legal Aid because not currently handling business-related tax matters. But, we will review the facts of your case to see if we can assist you through our Volunteer Lawyers Program.
- B. No advice provided.
- C. Here is what happens now.
 - 1. Inform applicant that we will need copy of any papers and notices regarding this tax problem. Please send or bring such items to LASC as soon as possible.
 - 2. We will send a Citizenship Statement that must be signed and returned to us.
 - 3. Until these items have been returned we cannot review this case or seek a volunteer attorney.
 - 4. Please be aware that our Volunteer Lawyers Program may not be able to find an attorney, but will make a reasonable effort to do so.
 - 5. At this time, you remain responsible for protecting your rights, meeting any deadlines and attending any court hearings.
- D. Send "pro bono ltr with ctznship and understanding form" located under All Intake ... Administration.
- E. PC is 91-Legal Assistance to Non-Profit Organization and 91-1, general corporate/ non-profit... Office is VLP... Status is Pending...
- F. None.

Summary: | 0

16.) Please describe your tax problem.

[Use 2-3 sentences to clarify who, what, when, where, and why, etc. as appropriate.]

Description: | 17

17.) Why did you call Legal Aid at this time?

Letter or Notice from IRS | 19

Refund withheld or intercepted | 40

Earned Income Tax Credit denied | 18

Other | 18

18.) Have you received any letters (or notices) from the IRS within the past 3 months?

Yes | 19

No | 29

19.) Do you currently have, WITH YOU, the most recent letter concerning this matter?

[Note – If applicant can get the IRS letter, ask him or her to do so.]

Yes | 20

No | 23

20.) What is the date on the letter?

Date: | 21

21.) What does the letter say?

Summary: | 22

22.) What letters and numbers are in the upper right corner of the letter?

[Note – The letters and numbers on IRS forms indicate the type of letter. It may begin with the letters "CP."]

Form #: | 23

23.) Is there any deadline?

Yes | 24

No | 26

24.) When is the deadline?

[Note – If the deadline is within 5 days or less, contact Susan Morgenstern, another HEWI tax attorney, or a supervisor for additional guidance in handling this case.]

Deadline Date: | 25

25.) Explain what you have already done OR need to do by that deadline.

Explanation: | 26

26.) What other letters (or notices) have you received from the IRS in the past year?

Summary of IRS Letters and Notices: | 27

27.) Have you responded to the IRS letter(s)?

Yes | 28

No | 29

28.) Please describe your response(s).

[Use 2-3 sentences to clarify who, what, when, where, and why, etc. as appropriate.]

Description: | 29

29.) Does the IRS say you owe it money?

Yes | 30

No | 33

30.) How much does the IRS say you owe?

Amount Owed: | 31

31.) Do you agree with the amount the IRS says you owe?

Yes | 33

No | 32

32.) Explain why you deny owing this amount.

[Note -- If the applicant believes someone else actually owes the IRS this amount, include that person's name and relationship to applicant (if known) with the

explanation.]

Explanation: | 33

33.) What tax years are involved?

[Note -- Use "not sure" if applicant does not know, the year(s).]

Tax years: | 34

34.) Did you file tax returns for all the years in dispute?

Yes | 35

No | 37

Not Sure | 37

35.) Do you still have copies of those returns?

Yes | 36

No | 36

36.) Are you up-to-date in filing your tax returns?

Yes | 41

No | 37

37.) Explain ANY returns you failed to file, including the tax year and the reason for not filing?

Explanation: | 41

38.) [Not Used at This Time!]

Summary: | 0

39.) [Not Used at This Time!]

Summary: | 0

[Refund Intercept]

40.) Why was your federal tax refund intercepted?

To pay the IRS for a past tax debt owed by me. | 18

To pay the federal government for some other debt owed by me. | 49

To pay a debt owed by my spouse. | 18

Not Sure | 18

41.) Has the IRS taken any collection action?

[Such action may include freezing a bank account, garnishing wages, reducing social security benefits, or taking your tax refunds.]

Yes | 42

No | 43

42.) What collection actions has the IRS taken?

[Note -- If already described previously, then simply state "see above."]

IRS Collection Actions: | 43

[EITC]

43.) Have you applied for the Earned Income Tax Credit in the last 3 years?

Yes | 44

No | 44

Not Sure | 44

44.) In what tax years, if any, were you denied the Earned Income Tax Credit?

Tax Years EITC Denied: | 47

45.) [Not Used at This Time!]

Summary: | 0

46.) [Not Used at This Time!]

Summary: | 0

47.) Is there anything else you want to tell me about this problem?

Additional Facts: | 48

48.)

- A. Case meets acceptance criteria for review.
- B. No advice provided.
- C. Here is what happens now:

1. Tell client this case will be reviewed by an attorney to determine what assistance we can provide.
 2. **CONFIRM THAT ALL POTENTIAL CONFLICTS HAVE BEEN CHECKED. Add parent(s) for each child claimed on ANY tax return in dispute as an opposing party in Pika.**
 3. We may need additional information, including all the letters and notices you got from the IRS. Please send us all pages of every letter.
 4. If you get more papers from the IRS contact us right away.
 5. Let us know right away if you change your address or phone number.
 6. One of our attorneys will contact you shortly after we review this case.
- D. None.
- E. Where child at issue, PC is 23-Earned Income Tax Credit OR if no children, 24-Taxes (Not EITC)... **FC is 33 -- IRS...** Status is Pending...
- F. None.

Summary: | 0

49.) Did you file that tax return with a spouse?

Yes | 18
No | 50

50.) What was this refund taken for?

Child Support Obligation | 51
Student Loan | 52
Social Security Overpayment | 53
Not Sure | 54

51.)

- A. Case does not meet acceptance criteria for LASC because your tax refund was taken for a child support obligation. LASC can not prevent such IRS action.
- B. No advice provided.
- C.
 1. Inform applicant that IRS can take tax refunds to satisfy a past child support obligation. IRS can continue to do so until this debt is repaid.
 2. If disputing the underlying debt, need to contact a private attorney. But, applicant would need to pay attorney's fees and costs.
 - a. In Ashtabula, find attorney by looking in the telephone book.
 - b. In Cuyahoga, refer to CMBA at (216) 696-3532.
 - c. In Geauga, refer to bar association at (440) 286-7160.
 - d. In Lake, refer to bar association at (440) 350-5800.
 - e. In Lorain, find private attorney by looking in the telephone book.
- D. None.

- E. PC is 38-Support... SPC is 38-1, support/ child... Status is Not Served... Lack of Resources is reason... Outcome is "Made referral or sent written information."
- F. Record LSC OM... PC is 38... Service Provided is 123 (Referred to provider of human or social services).

Summary: | 0

52.)

- A. Case does not meet acceptance criteria for LASC because your tax refund was taken for an outstanding student loan. LASC can not prevent such IRS action.
- B. No advice provided.
- C.
 - 1. Inform applicant that IRS can take tax refunds to satisfy an outstanding student loan. IRS can continue to do so until this debt is repaid.
 - 2. At this time, LASC can not help you with the tax problem.
 - 3. But, we can evaluate your case to see if we might be able to assist you with this student loan debt.
 - 4. **Exit this questionnaire and use "Student Loan (General)."** Do not open a second file at this time.
- D. None.
- E. PC is 16-Student Financial Aid... Status is Pending per further review...
- F. None.

Summary: | 0

53.)

- A. Case does not meet acceptance criteria for LASC because your tax refund was taken for a Social Security overpayment. LASC can not prevent such IRS action.
- B. No advice provided.
- C.
 - 1. Inform applicant that IRS can take tax refunds to satisfy a Social Security overpayment. IRS can continue to do so until this debt is repaid.
 - 2. At this time, LASC can not help you with the tax problem.
 - 3. But, we can evaluate your case to see if we might be able to assist you with this Social Security overpayment.
 - 4. Please describe the Social Security overpayment problem. Use 2-3 sentences to clarify who, what, when, where, and why, etc. as appropriate.
 - 5. This information will be reviewed by an attorney who handles such cases to determine whether there is anything LASC can do to help you.
 - 6. In the meantime, will send you a release of information form and a return envelope. Please sign the release and send it back to us right away.

7. We also want you to send us all of the letters and papers you have gotten from the IRS and the SSA about this problem; send all pages of every letter.
 8. If you get more papers, send them to us right away.
 9. Let us know if you change your address or phone number.
 10. One of our attorneys will contact you shortly after we get your signed release and your papers.
- D. Send "SSA -- release ltr" letter found under All Intake... Public Benefits and Tax.
E. PC is 72-Social Security and SPC is 72-3, overpayment OR 74-SSDI and 74-3 OR 75-SSI and 75-3... Status is Pending...
F. None.

Summary: | 0

54.)

- A. LASC will not represent you in this tax matter because it does not meet the acceptance criteria for our Low Income Tax Clinic. But, we will review the facts of your case to see if we can assist you through our Volunteer Lawyers Program.
- B. No advice provided.
- C. Here is what happens now.
1. Inform applicant we will need copy of any papers and notices regarding this tax problem. Please send or bring such items to LASC as soon as possible.
 2. We will send a Citizenship Statement that must be signed and returned to us.
 3. Until these items have been returned we cannot review this case or seek a volunteer attorney.
 4. Please be aware that our Volunteer Lawyers Program may not be able to find an attorney, but will make a reasonable effort to do so.
 5. At this time, you remain responsible for protecting your rights, meeting any deadlines and attending any court hearings.
- D. Send "pro bono ltr with ctznship and understanding form" located under All Intake... Administration.
E. PC is 24-Taxes (Not EITC)... SPC is 24-9, other federal income tax... Office is VLP... Status is Pending...
F. None.

Summary: | 0

55.) Test.

Summary: | 0