



IDAHO LEGAL AID SERVICES

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September 27, 2012

Stephanie Edelstein
Program Counsel
Legal Services Corporation
3333 K Street, NW
Washington DC 20007

Re: Program Quality Visit Report; Recipient No. 913000

Dear Ms. Edelstein:

We have reviewed the Quality Visit Draft Report and offer the following corrections and comments:

1. At page 2, paragraph three, it states that the Migrant Farmworker and Indian Law Units are operated out of the Caldwell and Boise offices respectively. These units are managed out of these offices, but Migrant Farmworker and Indian Law Unit staff are located in various offices across the state.
2. At page 3, second full paragraph, it states that "ILAS does not appear to have an overall advocacy strategy." ILAS was addressing advocacy through a dedicated attorney working under the supervision of the Associate Director. He recently resigned and due to budget issues, the hiring of a replacement has been delayed. However, ongoing and pending advocacy has continued.
3. At page 3, paragraph five, it states, that "There is no formal succession plan" As the team was advised, the Board of Directors has decided to recruit the successor to its current Executive Director from within ILAS. That is our succession plan with regard to the Executive Director.
4. At page 4, paragraph three, under Criterion 1, it states that the "law school has an additional goal of assessing public opinion on the need for public legal education and public interest law." While the law school initially suggested this additional goal, it has abandoned it and the focus of the needs assessment will only be on unmet legal needs.

Area Offices

310 N 5 th Street Boise, ID 83702 208/345/0106	1104 Blaine Street Caldwell, ID 83605 208/454/2591	410 Sherman Ave, Ste 303 Coeur d' Alene, ID 83814 208/667/9559	482 Constitution Way Idaho Falls, ID 83402 208/524/3660	633 Main St, Ste 103 Lewiston, ID 83501 208/743/1556	150 S Arthur, # 203 Pocatello, ID 83204 208/233/0079	475 Polk St, Ste 4 Twin Falls, ID 83301 208/734/7024
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5. At page 7, first paragraph, under Finding 6, it states that "At least one office has a computer with Internet access in the reception area for public use." In fact, ILAS maintains a public computer in every office and has done so for many years.

6. At page 12, last paragraph, it states that "at least one former ILAS attorney is a member of the Idaho Supreme Court." In fact, he is a member of the Idaho Court of Appeals, not the Supreme Court.

7. At page 13, first and second paragraphs under Finding 9, it discusses Native American issues. ILAS staff provide services from its Lewiston and Pocatello offices, and also enjoys a contract with the Coeur d'Alene Tribe to serve tribal members through its Coeur d'Alene office.

8. At pages 13-15, Finding 10, we offer the following:

Paragraphs 2 and 3: The report states there are approximately 3000 shepherders from Peru and Chile. The number is actually under 300. The USDOL certified 243 H-2A shepherders in 2010. (I could not readily come by the 2011 number). In 2011 the USDOL certified 1,885 H-2A workers for Idaho, the vast majority of those being irrigators and general farmworkers from Mexico. (This is not the actual number of workers who came to the U.S., but the number of certifications granted). In 2011 the USDOL certified 745 H-2B forest and conservation workers in Idaho.

The report correctly notes that we have had difficulties connecting with H-2A and H-2B workers in Idaho. The most significant barriers are: 1) the workers are scattered about a very large geographical area; 2) in the instances where there is a concentration of farmworker housing for the farmworkers, the housing is in remote areas that are difficult for our two part-time outreach workers (.8 FTE and .65 FTE) to reach, the remoteness presents safety concerns for our two female outreach workers, and the housing is in some places monitored by guards or foreman who chill interaction with outsiders; 3) the workers have a strong disincentive to talk to our staff because they wish to obtain a visa from the employer for the succeeding years; 4) in most cases the workers have little or no opportunity to leave the farm and meet with our outreach workers outside the farm.

We believe the most effective way to promote our services to H-2A, H-2B and U.S. workers is via Spanish radio, and we take every opportunity to do that. In south central Idaho where most of the H-2A workers are located, our outreach worker participates in a community radio program on a local Spanish station on average twice per month.

Paragraphs 4 and 5: The Migrant Unit is committed to prioritizing migrant-status related cases, and we pursue vigorously all leads we have on employment related cases. These cases have become an increasingly smaller part of our case

load for primarily two reasons we believe: 1) the vast majority of younger farmworkers are undocumented; 2) older, documented workers tend to have more stable employment or are now retired from farm work (the IRCA Amnesty was 26 years ago now). The cases the typically older, documented farmworkers bring us involve the case types described in paragraph 4.

Paragraph 6: Migrant Unit outreach workers in recent years have done a significant amount of work on grants providing for outreach and education on teen dating violence and fair housing. While these issues are not central to farmworker advocacy, these grants have been beneficial to the Migrant Unit as they fund outreach activities in the context of a very difficult funding picture. While doing these outreach and education activities, our outreach workers in every instance spend a part of the time explaining the services we provide and providing information on laws that protect farmworkers.

Paragraph 7: Migrant Unit staff met in July and will meet again in September to revise our outreach and advocacy work plan. Our top priority is to find more employment related cases and we are working on devising and implementing strategies to achieve that goal. Our outreach workers have come up with some new strategies to reach workers in remote areas. In recent years we have placed the most emphasis on education about our relatively new state farm labor contractor registration and bonding act. We plan to spend more time in the next two years on H-2A issues in the hope that there are more cases to be found in that realm. Regarding the H-2A shepherders, recent collaboration between the Peruvian Consulate in Denver and Colorado Legal Services has led to several referrals to us on cases involving H-2A shepherders in Idaho, a very positive development. (Some shepherders now have cell phones, another very positive development). Concerning the H-2B reforestation workers, we have not had any contact with these workers in recent years. We do not have a good idea where these workers are working, but we will put some efforts into reaching them, mostly via radio shows. We do have limited resources and we lack the capacity to do outreach in the remote areas where many of these workers are located. (For example, some of the towns in northern Idaho or north central Idaho where some of the workers might be close to are six to eight hours drive from our Caldwell office).

9. At page 17, the recommendation under Finding 12 urges the ILAS Board of Directors to revise its outside practice policy. ILAS's policy directive adequately addresses outside practice. ILAS has no control over what part time attorneys do on their own time nor is such private practice governed by LSC regulations. There is no evidence of any conflicts and program staff see ILAS clients who go through intake and sign retainers.

10. At page 18, fourth full paragraph, it states that Idaho does not have an Access to Justice Commission. In fact, Idaho has the Delivery of Legal Services Council which acts as our Access to Justice Commission. The Council has been in existence for many years and includes representatives from all parties interested in the delivery of legal services.

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11. At page 19, the footnote references a client board vacancy. This vacancy has been filled.

12. At page 23, first paragraph, under Finding 20 and elsewhere in the report, it refers to the assistant administrator. This person is an "Accounting Assistant," not an assistant administrator.

13. Similar to number 10 above, the title of ILAS Administrator has been changed to Director of Finance and Administration.

14. At page 24, third full paragraph under Finding 21, it states that "There is no 401(k) or other retirement plan." In fact, ILAS has administered a 403(b) plan for decades and makes annual contributions when the budget allows.

Thank you for your assistance and guidance in this regard.

Sincerely,

IDAHO LEGAL AID SERVICES, INC.



Ernesto G. Sanchez
Executive Director

EGS:B