

LEGAL SERVICES OF NORTHWEST MINNESOTA

1015 7th Avenue North

P.O. Box 838

MOORHEAD, MINNESOTA 56561-0838

Phone (218) 233-8585

Toll Free 1-800-450-8585

FAX (218) 233-8586

E-mail: legalaidsnmlaw.org

www.lsnmlaw.org

Anne Hoefgen, Director



BY EMAIL AND US MAIL

January 9, 2015

Counties Served:

Becker Evora Thomas, Program Counsel
Office of Compliance and Enforcement
Beltrami Legal Services Corporation
Clay 3333 K St. NW, 3rd Floor
Clearwater Washington DC 20007-3522

E-mail: thomase@lsc.gov

Douglas **Re: Program Quality Visit**
Grant **Recipient No. 524027**

Hubbard Dear Ms. Thomas:

Kittson
Lake Of On behalf of the Board of Directors and Staff of Legal Services of Northwest Minnesota
The Woods (LSNM), I appreciate the time and resources devoted to this visit by you and your team.
Mahnommen Overall, we believe the report is a fair assessment of the high quality legal work done here
at LSNM.

Marshall Following are Legal Services of Northwest Minnesota's comments in response to the Legal
Norman Services Corporation's Draft Report for the Program Quality Visit to our program which
Otter Tail took place September 22-26, 2014.

Pennington Thank you again and please let me know if you require any additional information.

Polk
Pope Sincerely,

Red Lake
Roseau 
Stevens Anne M. Hoefgen
Executive Director

Traverse AMH/rer
Wadena
Wilkin



215 4th St. NW • P.O. Box 1883
BEMIDJI, MINNESOTA 56619-1883
Phone (218) 751-9201
Toll Free 1-800-450-9201
FAX (218) 751-9217
E-mail: legalaidsnmlaw.org

426 Broadway St.
ALEXANDRIA, MINNESOTA 56308
Phone (320) 762-0663
Toll Free 1-800-450-2552
FAX (320) 762-0740
E-mail: legalaidsnmlaw.org

Legal Services of Northwest Minnesota

Program Quality Visit – Draft Report Comments

January 9, 2015

After reviewing the December 10, 2014, Draft Report for the Legal Services Corporation Program Quality Review conducted September 22-26, 2014, Legal Services of Northwest Minnesota (LSNM) offers the following comments:

We would like to first address a few minor factual errors in the Program overview.

The former executive director, Mary Schneider, had been with the program 24 years, all as executive director. The Attorney/Client coordinator, Susan Harvey, had been with the program 26 years.

Also in the Program Overview it was noted that LSNM staff had been reduced due to unprecedented revenue losses the last several years. However, the total staff reduction was incorrect. The program has actually lost three attorney positions, one paralegal case handler and one full time and one part time support staff, for a total of six program-wide positions since 2011.

*PERFORMANCE AREA ONE.
CRITERION 1.*

FINDING 3. Recommendation I.3.3.1. As soon as resources permit, LSNM should engage in a forward thinking “blank-slate,” strategic planning process that articulates core values and questions and/or challenges the firm’s service delivery systems so as to provide a roadmap for program development over the next five years.

Program Response: LSNM’s experiences and discussions show that a “blank-slate” review is not necessary. The core values of the organization were recently reviewed and discussed by staff and the board and have not changed, despite the difficult financial challenges. However, LSNM agrees that a meaningful board and staff review of where we are at and where the program can grow or transform as part of a forward-thinking strategic planning process would be beneficial, especially in regards to our service delivery system.

*PERFORMANCE AREA ONE.
CRITERION 4.*

FINDING 4. Recommendation I.4.4.1. LSNM should use the data collected in its case management system at the time that a case is closed, to evaluate the outcome benefits of its work.

Program Response: This procedure was put into place January 1, 2014 to measure outcomes, as required by Minnesota Legal Services Advisory Committee (LSAC is the organization that distributes the state’s IOLTA funding) and is in its first year of implementation. LSAC will use the outcomes data and other data we are required to collect and submit to create a statewide picture of legal services delivery in Minnesota.

As this data has become available, LSNM has used it in grant writing and in outreach efforts to demonstrate the economic impact of our work in the region. In addition, LSNM continues to work with LSAC and our Coalition partners in evaluating the data. An economic impact study is underway using this data along with a literature review to assist programs statewide to evaluate outcomes and explain the economic impact of Legal Services work.

Now that a year's worth of data has been collected, LSNM can analyze this data in reassessing our strategic plan and fundraising, and that we will undoubtedly implement changes in service delivery in light of the most effective and impactful services that we provide.

PERFORMANCE AREA TWO
CRITERION 1

FINDING 6. The technology supporting LSNM's intake system is inadequate to achieve efficiency in the intake screening process and intake system review.

Program Response: As was discussed during our exit interview, LSNM was well aware of the need for a new telephone system. At that time, the team was told that LSNM was awaiting the response to a pending technology grant request to cover the costs to upgrade the program-wide telephone system before moving forward with this new system. Unfortunately, LSNM did not receive the grant. However, recognizing the need for updated technology, an advanced VoIP telephone system has been ordered and will be installed and fully implemented in early 2015. Among other advantages, this new technology will allow for telephone calls to be transferred between offices, calls and emails to be transferred directly to advocate cell phones to ease out of office communications. It will also eliminate long distance telephone charges between offices, resulting in significant cost savings.

Recommendation II.1.6.2. Once its telephone system is upgraded, LSNM should record outgoing messages to be played for callers while they hold in queue, sharing information about the program's priorities, eligibility screening, online resources, the program website, and other helpful information to improve the caller experience of holding and to direct callers with problems not within the firm's priorities or case acceptance criteria to other resources.

LSNM believes it is important to be accessible to low income and disabled clients and intends to continue answering incoming calls expediently and without the need to put callers into a queue. Telephone wait times for our clients are extremely short. The VoIP system will, of course, allow the outgoing message to include this additional information for clients calling after office hours. LSNM places a priority with having enough staff available during intake hours so all calls can be answered and intakes immediately taken.

*PERFORMANCE AREA TWO
CRITERION 2 AND 3*

RECOMMENDATIONS:

II.3.8.1 In light of its significant work in providing legal assistance to victims of domestic violence, as resources permit, LSNM should consider ways to improve safety and security for staff within the program offices.

Program Response: Safety of staff has always been of the utmost importance and has been analyzed at every location and discussed with every staff member during orientation and as part of on-going trainings. It should be noted that an updated safety plan went into effect in each office when the Office Disaster, Security and Safety Plan was approved by the LSNM Board on September 24, 2014. However, it is a topic that deserves constant vigilance and the management team has undertaken a review of office set ups and procedures to ensure staff are as safe as possible.

II.3.8.2. LSNM should address the practice of staff meeting with applicants and clients in the public reception areas so that client confidentiality in [sic] ensured during the intake screening process.

Program Response: LSNM disputes that this is a “practice” but recognizes that sometimes an advocate’s conversation with clients may flow into and out of a waiting area. Staff would not take an intake in a public area if other clients were present. However, management will make procedure and logistical changes in each office, as needed, including staff training, to ensure confidentiality at the intake and consultation processes.

*PERFORMANCE AREA THREE
CRITERION 1*

RECOMMENDATIONS:

III.1.10.1 LSNM should engage in a strategic discussion on ways to expand the reach of its advocacy including bringing more affirmative case work, engaging in more complex work and, when appropriate, including appeals.

Program Response: LSNM recognizes that as a result of high case load numbers undertaken by advocates, it is difficult for advocates to devote time to undertake affirmative and complex litigation. In 2015, two events will converge to create an opportunity to address this issue head on. First, in mid-2015 the litigation director is retiring after more than 25 years with the program. In looking at assigning responsibility and transition for the new litigation director, the management team will look at substantive ways to address a dearth of affirmative casework. Second, LSNM will be undergoing a review of its priorities. This review will allow the management team and the board to discuss and develop an action plan for taking meaningful steps to implement this recommendation.

*PERFORMANCE AREA THREE
CRITERION 2*

RECOMMENDATIONS:

III.2.12.1 LSNM is urged to continue to explore ways to increase pro bono participation in its provision of services to clients.

Program Response: The strength of the Judicare model and the fact that the vast majority of attorneys in the area participate in the Judicare program creates unique challenges for increasing pure pro bono participation in services for our clients. It is worth noting that in 2014, attorneys on the Judicare panel donated \$1,108,193 worth of legal time. LSNM has piloted a pro se clinic at the Becker County law library and hopes to expand this program to other law libraries in our service area in the coming year.

In addition, the lack of major law firms, urban centers, corporation headquarters, or law schools within the service area adds to the challenge of pro bono participation by the private bar. LSNM works hard to creatively utilize the resources of the Twin Cities metro area for the benefit of our rural clients. For example, LSNM developed and piloted an on-line legal advice program, which has since been taken on at a state level with advice being provided to our rural clients by metro-area volunteers. In addition, LSNM partners with the Minnesota Justice Foundation to bring law students from the metro area to our service area over winter break to run pro se family law clinics. Two such clinics were held the first week of January 2015.

In the spring of 2015 LSNM will sponsor a training for attorneys on the new expungement law and will consider offering the program for free to any private attorneys that agree to take on a pro bono case. LSNM has had past success utilizing retired attorneys as volunteers in our Legal Aid Work by Seniors (LAWS) program. As long-time members on the Judicare panel reach retirement age, we hope to revitalize the LAWS program and implement a program that harnesses their commitment to our program and low-income clients.

III.2.12.2 LSNM should ensure that accommodations are made for persons who, as a result of disability or other access challenge, would have difficulty following through on instructions to contact a Judicare attorney from the list provided.

Program Response: LSNM tries to take these cases on staff to minimize this issue. However, when the Judicare system must be used and a client has a disability or other access barrier and is working with a caseworker or other support person, LSNM will, with the client's permission, explain the Judicare referral process to the client's caseworker or other support person. In addition, based on this recommendation, LSNM has amended the Judicare referral letter sent to eligible clients to include the following line: "If you have any difficulty finding an attorney for the initial interview, please feel free to contact the Client-Attorney Coordinator."

*PERFORMANCE AREA FOUR
CRITERION 1*

RECOMMENDATIONS:

IV.1.14.1 The Board of Directors should develop a leadership succession plan that encompasses all aspects of leadership including board, executive and middle managers. Leadership succession planning should include detailed strategies for professional and leadership capacity development for existing and future staff at all levels.

IV.1.14.2 LSNM should consider alternative times, locations and technology options for participation in meetings to accommodate the potential needs of future board members.

IV.1.14.3 LSNM should activate a resource development committee of the board or establish an advisory fundraising committee to the board.

IV.1.15.1 The board should consider developing a workplan that memorializes the goals and objectives contemplated and mutually agreed for the executive director to address during the first year or more of her tenure in the position.

Program Response: These recommendations for the board will be discussed at the next LSNM Board meeting which is scheduled to be held after these comments are due.

The development of a permanent fundraising committee is unlikely. Fundraising is challenging in northwest Minnesota because, as mentioned earlier, there is a lack of large or major law firms, corporation headquarters, foundations, or other sources of wealth within the service area. Most law firms in the LSNM service area are solo practitioners or perhaps 2-3 lawyers. Committing resources for a large and on-going fundraising campaign is not likely to yield a significant result.

In 2012, LSNM brought in a consultant to study the possibility of a private bar fundraising campaign. The consultant discovered that LSNM has a very positive reputation in the legal community. However, the law firms and lawyers in the area already donate over \$1,100,000 a year in pro bono time and are unlikely to make large cash donations. By and large, the lawyers in northwest Minnesota are not wealthy. However, the program intends to take on a one-time fundraising campaign as part of LSNM's 40th Anniversary in 2016. The program plans to approach the previous executive director to bring her wealth of knowledge and relationships to volunteer with this campaign.

CRITERION 4

RECOMMENDATIONS:

IV.4.20.1 LSNM should arrange for its auditors to present their report to the full board in person.

IV.4.20.2 LSNM should periodically request competing proposals for the audit work.

Program Response: The audit team retained for the 2014 audit will include two of three new team members bringing fresh perspective to the audit team. Therefore, to avoid an unnecessary expense, the auditor's offices are nearly 90 miles from LSNM's Moorhead office where Board meetings are typically held. LSNM intends to have the auditors attend the May 2015 board meeting to present the audit report to the full board via GoToMeetings or other technology.

CRITERION 5

RECOMMENDATIONS:

IV.5.21.1 LSNM should review and update its job descriptions to more accurately reflect the duties and responsibilities of its current staff.

Program Response: The Executive Director's work plan for 2015 includes a review of the job descriptions and revising of the employee evaluation process and procedures.

IV.5.21.2 LSNM should consider adopting a Whistleblower Policy.

Program Response: Minnesota law already includes a whistleblower policy that protects employees. Additionally, a whistleblower policy will be presented to the Board at the February 2015 board meeting for review and approval.

CRITERION 7

RECOMMENDATIONS:

IV.7.22.1 As soon as resources permit, LSNM should consider retaining a development consultant to establish new strategies for resource development.

Program Response: The larger issue for fundraising is the lack of staff time to devote to grant writing and reporting. The executive director works on resource development issues daily, in addition to her other tasks. A Minnesota State Bar Association staff member provides Coalition partners, including LSNM, with grant leads monthly. A development consultant could establish new strategies (realistic or not) but without the funds to provide staff to develop these resources, that investment and the consultant's work would be wasted.

LSNM staff thanks the LSC team for its courtesy and professionalism. Reviewers often offered ideas and insight, which were most helpful. While LSNM appreciates, and has acted upon the recommendations and suggestions of LSC reviewers, the absence of comments on specific facts or findings in the Draft Report should not necessarily be construed as agreement with them.