

LAW OFFICES OF  
**Texas RioGrande Legal Aid**  
300 SOUTH TEXAS BOULEVARD  
WESLACO, TEXAS 78596  
TELEPHONE: (956) 447-4800  
FAX: (956) 968-8823  
WWW.TRLA.ORG

DAVID G. HALL  
EXECUTIVE DIRECTOR

EMAIL: DHALL@TRLA.ORG

June 20, 2012

Ms. Stephanie Edelstein  
Program Counsel  
Office of Program Performance  
Legal Services Corporation  
3333 K Street, NW  
Washington, DC 20007-3522

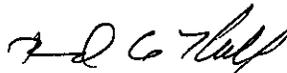
Re: Response to OPP Draft Report on Texas RioGrande Legal Aid

Dear Stephanie:

Thank you for allowing me some additional time to submit our response to the draft monitoring report. And thank you again for all the professional courtesies extended to our staff during your visit to South Texas. I have received numerous comments from staff and board that recognized the quality of the insight that your team brought to our program. TRLA and its clients will surely profit from your observations and suggestions.

If you need any additional information or clarification of our response, please do not hesitate to contact me.

Sincerely,



David G. Hall  
Executive Director

DGH/dh  
Enclosure (as noted)

**Response of  
Texas RioGrande Legal Aid**

**Recipient No. 744100**

**To the  
Draft Report from the  
Program Quality Visit**

**January 30-February 9, 2012**

## **Introduction**

The Office of Program Performance of the Legal Services Corporation conducted a Program Quality Visit to Texas RioGrande Legal Aid from January 30, 2012 through February 9, 2012. A 10-member team composed of LSC staff and outside consultants made on-site visits to 11 of TRLA's 15 civil legal services offices and conducted telephone interviews of staff in four of the more remote offices. TRLA's public defender offices were not visited and were not the subject of the OPP review.

OPP submitted a draft report of its findings and recommendations to the management of TRLA on May 16, 2012 and invited the program's comments and response to the draft. In submitting this response, TRLA will focus primarily on the Recommendations in the draft report, using the LSC Performance Criteria format.

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

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

**Finding 1: TRLA conducts a comprehensive assessment of the civil legal needs of the client community every five years. The most recent assessment included input from all segments of the client community and persons serving the client community, as well as program staff and members of the board.**

### **Criterion 2: Setting goals and objectives, developing strategies and allocation [of] resources..**

**Finding 2: TRLA annually sets goals and objectives and develops strategies to achieve them based on available resources, and regularly assesses its delivery strategies and work.**

#### *Recommendation 1.2.2.1.:*

*TRLA should carefully examine the breadth of its priorities and its goal of providing some level of service to all persons who are eligible in light of recent and anticipated funding reductions.*

#### **TRLA Comment:**

There is continuing discussion and examination of the program's priorities, both at the board and at the staff levels. One of the essential roles of practice area team managers is to translate the broad, program-wide priorities discussed in the draft report into more precise case acceptance and resource allocation guidelines for the individual practice areas. Managers are

encouraged to lead those discussions, not just with their team members, but also with client community leaders and advocates. The ability to conduct team-wide meetings has been adversely impacted by financial considerations in the last two years. However, with \$2.5 million in additional funding received this month from the national bank settlement, TRLA will be conducting a program-wide conference in the fall of 2012 where those discussions will be undertaken.

The second part of the recommendation is more problematic. TRLA does *not* have a goal “of providing some level of service to all persons who are eligible.” With a ratio of approximately 25,000 eligible clients per civil legal services staff attorney, that would be an obvious impossibility. Since the revamping of its delivery system and merger with the four urban programs in the 1998-2002 period, TRLA has striven to provide at least a minimum level of legal services to all eligible clients who make contact with the program through whatever the chosen portal. Less than 2% of the client-eligible population are interviewed each year, and of those 31,000, less than 75% become clients (mainly because of eligibility reasons). The resulting caseload, although large, is manageable for most of the practice area teams, less so for a few others.

A substantial part of “the continuing discussion and examination of the program’s priorities” is how to provide that minimal level of service to clients with lower-priority cases. The most oft-used example is family law cases that do not involve recent and severe domestic violence. Before making a case disposition, an intake worker typically conducts a substantive interview of every eligible client and records the case-specific information in the Client Tracking System (TRLA’s case management system). For lower priority cases, that information is used to assemble pleadings and documents in routine cases (divorces, bankruptcies, veterans’ benefits, etc.) that are processed in a legal clinic, such as the Community Justice Program operated by TRLA and the San Antonio Bar Association.<sup>1</sup> In conjunction with the Texas Access to Justice Commission, TRLA is exploring ways to provide assisted pro se services to residents of rural counties through Skype connections to lawyers in urban areas. These kinds of efforts leverage the services of private attorneys to address more routine cases in relatively large volumes, and any changes in the intake system that would choke off those cases may have an adverse impact on the client community and the organized bar.

TRLA serves an area of the country that is disproportionately poor and Spanish-speaking. Moving to on-line intake systems would likely skew the program’s routine individual services toward the better educated, less poor and more English-speaking component of the clientele. TRLA is well aware of the difficulties that many potential clients have in obtaining services from the program, particularly through the waiting times at the Telephone Access to Justice lines. Numerous changes to improve access have been made to those systems over the years since its

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<sup>1</sup> The Community Justice Program is this year’s recipient of the ABA/NLADA Harrison Tweed Award “for achievement in preserving and increasing access to legal services for the poor.”

inception, and more will likely be made in the future. However, any changes will have to preserve the program's objective of balancing individual services to a large number of clients with its role of serving as an advocate for the client community generally.

**Criterion 3. Implementation.**

**Finding 3: TRLA responds quickly and effectively to legal needs that emerge between assessments.**

**Criterion 4. Evaluation and adjustment.**

**Finding 4: TRLA routinely collects information on the effectiveness of its work, especially in achieving articulated objectives and desired results, and uses the results to make changes and leverage additional resources.**

**Finding 5: TRLA has engaged in preliminary planning to address recent reductions in funding, although the board has not adopted a formal strategic plan.**

***Recommendation 1.1.5.1.\*:***

*TRLA should undertake a comprehensive strategic planning process involving the board, staff and other stakeholders within the legal services community. This process should include a review of the program's statement of mission and the development of a vision statement, and should include dialogue about how to preserve the culture and vision of the program in the future. The process should also include an examination of the most efficient utilization of resources to serve clients in light of recent and projected funding losses, changes in laws, and ongoing or emerging client needs.*

TRLA engages in strategic planning on a continuing basis, including allocation of resources, and involves staff, board, and client community leaders in the process. However, TRLA management does not believe that it is a particularly useful exercise to spend an inordinate amount of program resources in a "comprehensive strategic planning process," if that is what is contemplated by the recommendation above. For a program TRLA's size, pulling together 340 staff members, 25 board members and an unknown number of "stakeholders" for an average of ten hours each to discuss "mission statements" and "vision statements" would expend approximately 4000 hours of participants' time at a direct cost in excess of \$80,000, not counting the ubiquitous consultants. The payoff would probably not be commensurate with the costs.

As previously indicated, TRLA will conduct a staff conference in the fall, and in addition to training and communication amongst co-workers, a reasonable amount of time will be devoted to strategic discussions along the lines discussed above. However, given the political uncertainties impacting the program's level of funding, it might be necessary to adjust our strategic plans within a few weeks after that conference.

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

**Criterion 1. Dignity and sensitivity.**

**Finding 6:** TRLA offices are strategically located throughout the vast service area, and office hours and procedures are designed to promote access.

**Finding 7:** TRLA's telephone and in-person activities are conducted in a culturally and linguistically competent fashion, although its written policy for serving persons with Limited English Proficiency lacks the elements recommended by LSC in Program Letter 04-2, *Services to Eligible Individuals with Limited English Proficiency*.

***Recommendation II.1.7.1.\*:***

*TRLA should revise its LEP policy in accordance with LSC Program Letter 04-2, Services to Eligible Individuals with Limited English Proficiency and the accompanying Guidance. The program may also wish to refer to recently developed or updated LEP policies posted on the LSC Resource Information website located at [www.lriilsc.gov](http://www.lriilsc.gov).*

The findings indicate that the TRLA policy on Limited English Proficiency fails to address all of the elements required by the LSC Program Letter 04-2. It would be helpful for LSC to identify those specific deficiencies so that the program can more accurately address the relevant topics.

**Finding 8:** TRLA has not put its website to full use as a resource for the client community.

***Recommendation II.1.8.1.\*:***

*TRLA should reconsider its vision for its website, including whether the website is intended to function primarily as a tool for staff, or whether it should be a more effective resource for the client community, the private bar, and the public generally. At the very least, the website should contain content in Spanish as well as English, and should link prominently to [TexasLawHelp.org](http://TexasLawHelp.org), which includes resources in Spanish and Vietnamese.*

At the time the TRLA web site was developed, it was designed exclusively as a resource for the staff and their practice areas. In the mid-1990's, the penetration of computers into the client community was extremely limited, and very few clients had meaningful access to the internet. The site was designed to communicate within the program and to support the practice area teams with links to web sites that offered substantive content relevant to the various practice areas. Recruitment, fund raising, and social media have been added as features in recent years.

TRLA will add client-friendly content to its website, in English and Spanish, to facilitate access to program resources for the increasing numbers of potential clients who have access to computers and smartphones. Links from the TRLA site to TexasLawHelp are being added. However, it is not the intention of TRLA to duplicate the efforts of TexasLawHelp.org, the statewide website that is dedicated to individual client services, particularly in the area of

assistance to self-represented litigants.

***Recommendation II.1.8.2.\*:***

*TRLA should participate in TexasLawHelp.org to ensure that low-income persons in its service area who cannot receive direct assistance with their civil legal problems have access to information and resources, including tools with which to represent themselves. TexasLawHelp.org is also a mechanism for recruiting and supporting pro bono attorneys.*

The statement in Finding 8 that “TRLA does not participate in TexasLawHelp.org beyond referring clients to the website in its advice letters” is not accurate. TRLA has always provided substantial content for the statewide website,<sup>2</sup> which has undergone some reorganization in the last year. Staff will be encouraged to furnish additional content for the statewide website.

**Criterion 2. Engagement with the low-income population.**

**Finding 9: TRLA is engaged and visible in the client community.**

A correction should be made to the observation regarding the “medical-legal partnerships in Brownsville, Corpus Christi [sic] and San Antonio.” p. 10. The second-mentioned MLP is in El Paso, in collaboration with the Texas Tech University Health Science Center and the University Medical Center Pediatrics Department. There is no MLP in Corpus Christi.

**Criterion 3. Access and utilization by the low-income population (Intake).**

**Finding 10: Despite its various access options including creative collaborations with other organizations, the TRLA intake structure precludes the program from reaching its full potential for serving the low-income community.**

***Recommendations:***

*II.3.10.1.\* TRLA should consider online intake as a way to alleviate the high volume of calls to TAJ and*

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<sup>2</sup> The following is a partial list of content provided by TRLA staff that is currently on the website: disaster assistance: immigrant victims, FEMA homeowner assistance, FEMA renters assistance, insurance claims, employment rights, public benefits rights; TANF eligibility; consumer: automobile purchases, automobile insurance claims, identity theft; family: domestic violence: children, marital rape, myths & facts, safety planning; and housing: discrimination in rental housing, eviction defenses, mobile homes, eviction after foreclosure, JP court actions, landlord retaliation, ownership of rental property, early lease termination, landlord claims for debt, property seizure, late fees, lockouts, police calls re domestic violence, repairs, security deposits, subleasing, reasonable accommodations, utility shutoffs, foreclosures, tax issues in foreclosures, non-judicial foreclosure timeline chart, avoiding tax foreclosure if elderly,

*reduce long waits by providing another access point for potential clients. Online intake could be used to obtain information regarding eligibility and legal problem, and to direct applicants to legal information and community referrals.*

*11.3.10.2.\* TRLA should provide callers to TAJ with recorded information about TRLA eligibility and services, and direct them to the website where they could find additional information, links to resources, and an opportunity to apply online, when that option is made available.*

*11.3.10.3.\* TRLA should consider upgrading the VOIP call system to include an automatic callback (IVR) feature, as well as more advanced queuing to direct calls by area of law as selected by callers. Advanced queuing features can provide callers who are not eligible for services, or those whose cases would not be accepted, with helpful information while they are in the queue.*

*11.3.10.4\* TRLA is urged to expand the capacity of TAJ by using support staff and paralegals from other branch offices as needed to handle calls when law students and other TAJ workers are unavailable or during times of unusual spikes or increased volume. The VOIP features of the TAJ phone system can be used effectively for this purpose.*

*11.3.10.5.\* Support staff who conduct intake screening should receive on-going training on uniform screening procedures.*

*11.3.10.6. TRLA is encouraged to implement procedures for obtaining client feedback on intake services.*

The discussion regarding the Telephone Access to Justice system suggests some misunderstanding of its operations. The TAJ is not merely an “eligibility screening” system, nor is it a system that fails to “make the most effective use of the law students' skills, as the students' only function is to screen callers for eligibility for program services.” p. 11. Contrary to the draft report, the TAJ Associates (a/k/a “TA’s,” whether law students, lawyers or paralegals) have always provided legal advice to callers after demonstrating their competency to do so, but only after conducting comprehensive substantive interviews that often touch on other legal issues than the one initially presented by the client. It is that feature of the TAJ – the lengthy substantive interview – that allows the practice area system to function efficiently, just as it also causes the access problems observed by the OPP team. The TA is responsible for obtaining, and recording, all of the essential information to allow the Duty Attorney to make an informed disposition decision, and that responsibility also includes obtaining relevant documents from the client and scanning them into the CTS for the DA’s review. It is obtaining that substantive information, well beyond income, assets and immigration status, that is time consuming, but it allows a specialist attorney on minimum wage, international child abduction, or automobile repossession to decide whether the case merits extended services or triage. The TA’s oral advice is confirmed by a letter written by an experienced lawyer from the relevant practice area team(s).<sup>3</sup>

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<sup>3</sup> The “Post-Screening Procedures” section contains some additional confusion about the practice area system. “Some teams have duty attorneys in more than one office. Each office has at least one duty attorney on any given day.” p. 12. The location of DA’s has nothing to do with local offices; they are located anywhere the lawyer has internet access. On

At the outset of an interview, whether in-person or by phone, it is not readily possible to decide whether the legal problems being presented deserve 30-45 minutes of staff interview time. The “we-don’t-take-that-kind-of-case” response is avoided by intake staff. The caller who tells us that he has been arrested on a criminal offense, for example, will be asked questions about whether he has been able to obtain counsel at public expense, or whether he believes the officers treated him fairly and without unlawful discrimination. A caller who has a routine family law case will likely be referred to a TRLA-affiliated clinic or assisted pro se resource, together with all of the recorded substantive information obtained during the intake interview.

The TAJ, although the single largest source of intakes per year, still only accounts for slightly more than half of the intake interviews conducted by program staff each year. The other intake portals provide clients a wide variety of methods for contacting staff with their legal problems, several of which are mentioned in the narrative (e.g., shelter and MLP intake, local office walk-ins and appointments, outreach, agency referrals, etc.). And while it is true that the TAJ relies heavily on law students, the numbers of students working part-time at the TAJ are typically much larger than those indicated in the draft report,<sup>4</sup> and they are frequently augmented by lawyers and law graduates who work essentially full time. One advantage of the TAJ system is that intake can easily be adjusted, up or down, simply by changing the number of hours worked by TA’s. The critical bottleneck, however, is not the intake system – it’s the limited number of lawyers and paralegals who can address the cases presented by the intakes. Since TRLA salaries are notoriously low,<sup>5</sup> even by legal services standards, reducing salaries to increase the number of casehandlers is not a viable option.

The team’s suggestions regarding enhancements to the queuing and outgoing message functions of the TAJ telephone system are currently under review. Some existing arrangements for sidestepping the TAJ bottleneck have been in place for years, but are not mentioned in the draft report. For example, the TAJ has an alternative telephone number that can be provided to certain high-priority callers; it is generally used during FEMA-declared disasters. However, the proposals for recorded legal advice, or proposals to permit callers to self-diagnose their legal problems on the phone, or to divert low-priority cases out of the system, or to leave callers in the queue for extended periods of time also have readily apparent downsides that are not addressed in the draft report. Some have been attempted in the past, with less than desirable results. Similarly, the recommendation that TRLA use support staff and paralegals on VoIP telephones to augment the TAs when academic schedules conflict with intake duties has previously been implemented. It was not being done at the time of the OPP visit because of an assessment that there needed to be a pause in intake while caseloads were being brought under control by casehandlers.

What the discussion of intake systems fails to consider is the level of client need contrasted with the paucity of program resources. The draft correctly reports the reality of clients’ difficulties in obtaining access to program resources, a reality that has long been of

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her assigned day, the DA will review any case that comes into the program from any source in any location, statewide. A high volume *team* may have more than one DA per day

<sup>4</sup> “... the current system at TRLA is not as efficient as it could be. The number of law students varies by office (San Antonio or Corpus Christi [sic]) and time of year; the spring 2012 Austin schedule shows four to seven students plus two TRLA staff.” p. 11. The *Austin* and San Antonio TAJ offices usually have 20-30 students working from 12 to 40 hours per week, depending on their academic schedules.

<sup>5</sup> Staff salaries have been frozen since 2009.

concern to program management and staff. But what “precludes the program from reaching its full potential for serving the low-income community” is not the intake structure; it’s the lack of lawyers and staff to serve that community. Just as switching to online intake favors those clients who have computers, other modifications to the intake system have trade-offs that are detrimental to other clients. It is a complex, multi-faceted problem, a problem that TRLA does not shun or avoid. To the contrary, TRLA makes frequent adjustments to its intake and case disposition systems to address those kinds of concerns.

**Finding 11: TRLA's broad case acceptance guidelines for most practice areas contribute to the intake gridlock because they generally do not provide guidance on the scope of services to be provided in particular kinds of cases, including when limited services would be appropriate.**

*Recommendations:*

*11.3.11.1.\* TRLA should refine its case acceptance guidelines in all practice areas consistent with its goals and objectives, in order to allocate resources to the most critical needs and to permit the determination, as early in the intake process as possible, of whether a case will be accepted, and the level of representation that will be provided. Some matters could be screened out at the initial contact with information only, thereby conserving valuable resources for intake screening and the provision of legal advice and brief services where appropriate. Refined case acceptance protocols could also control the volume and types of cases referred to the duty attorneys.*

*11.3.11.2.\* TRLA should incorporate advice-only cases into the TAJ where it is appropriate to do so, either by adding attorney staff to TAJ or by allowing law students to provide advice and brief services under the direct supervision of an attorney and after receiving training. This would free the duty attorney to focus on more complex intake assessments and ongoing cases, and would allow all advocates to focus more on extended cases.*

*11.3.11.3. TRLA is encouraged to make its case acceptance guidelines known to the community by posting them on its website or otherwise making them available.*

The narrative for Finding 11 contains an inaccurate discussion of “case acceptance guidelines.” The guidelines are established at the operational level by the practice area teams, not the groups. In the TRLA Practice Area Delivery System, the Group Coordinator supervises a collection of somewhat related practice area teams,<sup>6</sup> which in turn are supervised by a Team Manager. The Groups, with the exception of the Family Law Group, do not create case acceptance guidelines; that is the function of the team and its manager. The Group Coordinator is responsible for seeing that her teams establish case acceptance guidelines and reviews those guidelines and policies, but they are established at the team level.

Furthermore, it is important to note the differences between high volume practice areas, such as Family Law, and the lower volume areas, such as Small Farmers or Foster Youth. Their needs for the kinds of case acceptance guidelines discussed in the narrative are radically different. All four of the

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<sup>6</sup> The groups are Family, Housing, Economic and Social Justice, Labor (not Labor and Management), Individual Rights and Public Benefits.

Family Law teams apply the same set of guidelines to the 10,000 to 15,000 applications they receive each year. The TAJ and some of the other intake portals divert routine cases directly to the clinics and assisted pro se programs where appropriate, without sending them through the disposition review process. The remaining cases are sent to one of the four DA's for the Family/DV Team for that day. They are reviewed under the Team's guidelines, e.g., whether there has been recent and severe domestic violence, or children are at risk. As caseloads expand and contract, the Family Team re-evaluates its case acceptance policies to maintain reasonable caseload limits while providing the quality of advocacy that their endangered clientele must have.

Some teams, particularly the low-volume ones, established their guidelines over a decade ago, and have not seen a need to change them since. Some, on the other hand, have to address their guidelines frequently, sometimes simply because of the vagaries of the weather, e.g., Disaster Assistance. In most years, the Disaster Assistance Team has only a handful of cases and can take on all callers; in other years, like after Hurricane Dolly hit the Rio Grande Valley in 2008, the intakes have to be severely limited or other resources added to the team. Depending on the circumstances, the necessary adjustments may be made by the Team Manager or by the whole team.

Among the factors utilized by the teams in establishing their guidelines are the program-wide priorities, and teams are encouraged to identify the priorities that relate to and support their case acceptance choices. TRLA management has difficulty in understanding how, or in which practice areas, a team's guidelines "contribute to the intake gridlock," as expressed in the opinion of the OPP team. p. 13. The team guidelines are applied after the case has been processed by the intake system and has been directed to an identified team for its review. More particularly, it is the professional judgment exercised by the DA that determines what level of representation or other services should be provided, not that of an intake worker. The intake system does not generally consider the team's guidelines and does not influence the decision over what level of service should be provided, with some broad exceptions previously discussed.

Recommendation 11.3.11.1 suggests that the determination of the level of representation be made "as early in the intake process as possible." p. 14. Again, this recommendation is not focused on any specific practice area. If the concern is with the high volume Family Law area, TRLA submits that it has long ago implemented practices that address this concern, e.g., automatically diverting routine cases to clinics, or to the family law DR attorney at the TAJ (the suggestion in II.3.11.2). If the suggestion is that callers should be diverted without an interview by an intake worker, the resulting concerns have been previously addressed.

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

**Criterion 1. Legal representation.**

**Finding 12: TRLA has the capacity to perform high quality effective advocacy on behalf of clients insofar as its resources permit.**

*Recommendation 111.1.12.1:*

*TRLA is encouraged to establish protocols for ensuring that its written work product is uniformly of the highest possible quality.*

TRLA will review written product from its attorneys and provide feedback where necessary. It should be noted in evaluating the recommendation above that some lawyers are engaged in practice areas that rely heavily on routine pleadings and form documents. For those lawyers creative writing may be in fairly short supply.

**Finding 13: TRLA has systems in place to support its culture of high quality advocacy, and continues to explore new mechanisms for retaining and continuing this culture into the future.**

The narrative (at the bottom of p. 17) makes the erroneous observation that attorneys do not have to seek a supervisor's approval to attend training. Attorneys are first required to obtain approval from her/his primary supervisor. A second approval is required from the Deputy Litigation Director for non-Farm Worker team members, or from the Director of the Farm Worker Division for attorneys primarily assigned to the Farm Worker team.

*Recommendations:*

*111.1.13.1. TRLA is urged to review the number of teams that an advocate can join and to consider whether that number should be limited and under what circumstances.*

One of the more popular features of TRLA's team system is that, for the most part, team choice is voluntary. Having advocates on teams they want to be on has distinct advantages in creating an atmosphere of kindred souls pursuing kindred objectives. When a Team manager or Group Coordinator identifies an issue of an advocate being overextended or having an excessive caseload, appropriate measures can be taken, including removing the casehandler from a team. Again, there is a huge variation in the caseloads among different practice areas, and setting a uniform, arbitrary number of teams that someone can join would rarely be appropriate.

*111.1.13.2\* TRLA should provide legal work supervision that is consistent across all teams. Team managers should regularly examine the caseloads of advocates to ensure that a reasonable balance exists between advocates' legal expertise and the size of their caseloads, and should take steps to ensure that caseloads of senior staff reflect their experience, expertise, and other responsibilities.*

*111.1.13.3. TRLA is encouraged to develop systems that make all staff aware of the availability of litigation support, and should ensure that such support is provided consistently throughout the program.*

*111.1.13.4. TRLA is encouraged to develop systems to organize pleadings and other materials on the CTS in a manner that is most accessible and to explore the use of its wiki or other available systems to maximize the accessibility and usefulness of the wealth of information and litigation assistance tools developed by program staff*

*111.1.13.5 Consideration should be given to developing annual or periodic training plans for all advocates, not just attorneys. The new general counsels should give thought to how they can best*

*create and use training opportunities to advance the effectiveness of the program and pass along the program's culture of aggressive advocacy and excellence to a new generation of lawyers.*

*III.1.13.6. \* Team managers and other supervisors should receive management skills training.*

*III.1.13.7 \* As resources permit, training opportunities and training expense allocations should be extended to paralegals and other non-attorney staff.*

Training on the above subjects will be undertaken at the next program-wide conference, currently planned for mid-October.

**Finding 14: TRLA obtains substantial benefits for individual clients while also achieving systemic solutions for other low-income people who may face similar legal problems.**

***Recommendation:***

*III.1.14.1. TRLA is encouraged to continue to use the legal system to protect and enhance the legal rights of low-income persons. Group coordinators and team managers should continue to seek ways to encourage proactive, significant litigation, and to ensure that all members of the team are engaged in such work.*

**Finding 15: TRLA's productivity could be enhanced by improving efficiency in several aspects of its delivery system.**

***Recommendation:***

*III.1.15.1. \* TRLA is urged to review its intake, case acceptance and case assignment protocols, and other systems, to identify inefficiencies that may be limiting the number of clients served.*

As previously indicated, TRLA continuously examines possible changes to its intake and delivery systems, and makes changes that are appropriate for the effective functioning of the entire system, including its clinics and assisted pro se programs. That process will continue.

**Criterion 2. Private attorney involvement.**

**Finding 16: TRLA demonstrates an ongoing commitment to effectively integrating private attorneys into its work, and to providing them with support and recognition for their service.**

***Recommendations:***

*III.2.16.1 \* TRLA should continue to expand volunteer opportunities for the private bar, particularly in rural areas.*

*III.2.16.2 \* TRLA should continue to develop policies and procedures for managing PAI that are efficient and effective for staff for volunteers, and for clients.*

*III.2.16.3. TRLA is urged to develop relationships with large national firms and corporate counsel and to encourage those firms to handle major litigation on a pro bono basis, either as co-counsel or independently. Large firms and corporate counsel can also contribute resources other than attorney representation.*

A couple of clarifications in the narrative regarding the PAI program might be helpful. The “Community Justice Program” style of pro bono delivery provides one lawyer for one client in a group setting, usually in a client community in the city that is the designated county seat of government. The CJP-style clinics are attended by at least one judge and her court staff, so that hearings can be conducted and pleadings filed at the clinic location. These types of clinics now exist in San Antonio, Laredo, the Rio Grande Valley, and Corpus Christi. Austin has a stand-alone pro bono operation – Volunteer Legal Services -- that receives most of its clients as referrals from TRLA through jointly-operated neighborhood intake-and-advice clinics. It is not a CJP-style clinic.

Texas C-BAR has obtained some grants from the Texas Bar Foundation, among many other grantors. The participating volunteer lawyers mostly come from the large firms that are traditionally based in Houston and Dallas, with branches in Austin and San Antonio. C-BAR operates with non-profit groups and organizations state-wide.

TRLA is currently working through the Access to Justice Commission to establish an experimental assisted pro se program that will link rural clients in Jim Wells and Uvalde Counties with urban lawyers in large firms. The linkage will be via an inexpensive Skype connection in one county and more sophisticated videoconferencing technology recently installed in the other county.

**Criteria 3. and 4. Other program services to and on behalf of the eligible client population.**

**Finding 17: TRLA's strong relationships with other legal and social service providers in the service area have resulted in creative collaborations to serve the client community.**

*Recommendation:*

*IV.18.1. TRLA is encouraged to consider housing board related information and materials on its intranet or using another electronic document storage system such as a dashboard in order to improve storage and enable secured access to records for board members.*

This will be done.

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

**Criterion 1. Board governance.**

**Finding 18:** The TRLA board of directors is committed to the program and its mission, exercises its fiduciary and oversight responsibilities effectively and efficiently, and receives appropriate training and support.

**Finding 19:** The board maintains ongoing communication with the executive director and evaluates his performance on a regular schedule.

**Criterion 2. Leadership.**

**Finding 20:** TRLA has a strong and highly respected executive director and an experienced executive management team.

**Finding 21:** TRLA has not adopted a leadership succession plan.

*Recommendation:*

*IV.2.21.1.\* TRLA should develop a leadership succession plan that outlines a process for identification and selection of future leaders, provides for the coaching and mentoring of existing staff with potential to assume leadership positions, and allocates resources for management training for leadership prospects. The plan should also include protocols for the orderly transition of the position of executive director.*

This subject is under consideration by the board of directors.

**Criterion 3. Overall management and administration.**

**Finding 22:** TRLA has successfully merged the policies and procedures of five separate and diverse programs into a unified system for operating a single regional law firm.

**Finding 23:** TRLA has adopted a management structure that includes a layer of middle managers and that separates administrative responsibilities from legal work management and oversight in a way that may not always be most effective.

*Recommendations:*

*IV.3.23.1. TRLA should consider a debriefing with group coordinators, branch managers, and team managers, to assess the effectiveness of the current management structure and should make adjustments to that structure, if appropriate.*

*IV.3.23.2. TRLA should consider whether assigning administrative tasks to branch managers who are attorneys is the most effective use of limited resources, and whether it would be more cost-effective to give administrative responsibilities to non-attorney personnel.*

The management and administrative structure at TRLA is admittedly complex, and at the time of its implementation there was some confusion about roles, particularly between team and branch managers. With one or two exceptions, most of that confusion has dissipated. Every employee now understands that she has a single “primary supervisor.” If she has any doubt, she can look it up on the CTS.

TRLA does not have a policy of limiting branch manager positions to attorneys. However, a substantial part of the job is representing the interests of TRLA in the community, including the legal community. Generally speaking, a lawyer may be a more effective spokesperson for the program with the bench and bar in the counties the branch office serves. Nevertheless, all employees in an office are considered as possible managers. Each situation is evaluated on an ad hoc basis, and management strives to identify the most effective leader for a local office.

**Finding 24: TRLA's plan for continuity of operations and disaster recovery is updated annually and is available on the intranet.**

### **Technology**

**Finding 25: TRLA has adequate information technology staff and a solid technology infrastructure to support its work, although there are some areas where modernizations to the technology would be appropriate when resources permit.**

### ***Recommendations:***

*IV.3.25.1.\* Since the CTS is such an integral part of TRLA's work, more than one person in the program should be trained to support it or an outside consultant should be located who could step in if the IT director is unavailable. An outside consultant conversant in the Fox Pro programming language should be asked to verify, that the code is well-commented.*

Three IT staff members have access to all CTS code, in addition to the IT Director. One regularly views CTS code when writing programs that display CTS information on the web. In the event that the IT Director is not available, any of the above mentioned staff can make necessary changes to the CTS code. Additionally, the IT Director conducts ongoing IT staff training with regard to accessing, editing, and compiling CTS code precisely for this reason. Similar contingency plans exist for the TRLA Accounting System.

*IV.3.25.2. \* TRLA should create a protocol for document storage so that users do not store important documents on local hard drives,*

Proper storage of documents is one of the first topics discussed in all new staff trainings conducted by the IT training specialist. Additionally, all documents generated by the CTS and within a remote desktop session are automatically archived on a network drive that is backed up nightly.

*IV.3.25.3. \* TRLA should devise a system for regular review of documents in the CTS to assure that all pleadings, template advice letters, intake scripts, and other documents are current with changes in the law, and whether new documents are needed. It is crucial that pleadings and other law-related documents generated by the CTS be up to date and legally sufficient.*

CTS-generated documents for specific case types are reviewed and revised by the managers of the relevant teams., as necessary.

*IV.3.25.4. As resources are available, remote access to the CTS system should be enhanced and outdated work stations should be replaced. More bandwidth should be added in those offices where users routinely experience delays. The program should investigate the savings and improved disaster recovery provided by virtualization of its servers and of users' desktops. With virtualization, the number of physical machines needed might well be reduced by more than half.*

TRLA has routinely replaced outdated work stations at the rate of at least 5 PC's per month for the past few years. With the drop of PC's prices to record lows, we are now moving towards replacing 10 PC's per month. The advantages and disadvantages of virtualization are currently being investigated by IT staff.

*IV.3.25.5. \* TRLA is urged to establish a technology committee that includes representatives from rural and urban offices as well as from different teams and staff levels, to develop a technology plan. The plan should include technology goals, action steps for specific tasks, and a budget for each project, and should identify the person responsible for each part of the plan. The technology plan budget should be included in the TRLA annual budget*

*1143.25.6. The IT team is encouraged to develop a "trouble ticket" system for tracking reports of problems and requests for assistance. Such a system will help responders to organize their work and create accountability; it will also provide the team with a broad view of problems and trends that can help to focus the goals of a technology plan.*

Implementation of a "trouble ticket" system was attempted twice before by the IT Department using an off-the-shelf software package and an in-house system. Both systems were generally ignored by staff and eventually abandoned. Because TRLA has a small IT staff (5 staff taking care of 340+ people within 6 organizations), and because each staff person is highly specialized, we have found that the most effective way of dealing with I.T. problems is via email.

Staff will generally contact their nearest IT staff via email or in person where most problems are resolved. If no resolution is found, then the problem is referred to the most appropriate I.T. staffer until it is resolved. Routine staff meetings (conference calls) help identify any problem areas in addition to any staff deficiencies or complaints.

Some of the recommendations have already been implemented or are in the process of implementation, e.g., enhanced bandwidth in offices that have experienced data delays. The recently awarded national bank settlement funds will permit TRLA to upgrade some of its more outdated technology hardware. The remaining recommendations are under review by program management and the IT Director.

#### **Criterion 4. Financial administration.**

**Finding 26: TRLA appears to have sufficient and capable staff dedicated to financial administration.**

##### *Recommendations:*

*IV.4.26.1.\* The program should prepare a multi-year budget that includes projections going out at least two years.*

*IV.4.26.2.\* TRLA should ensure that the design, implementation and modification of its proprietary automated accounting system are sufficiently documented and supported to avoid loss of institutional knowledge in the absence of its developers.*

These recommendations are under review by program management.

#### **Criterion 5. Human resources administration.**

**Finding 27: TRLA has effective human resources administration, and its policies and practices are designed to recruit and retain high quality staff, but the procedures used to fill management positions are not always clear.**

##### *Recommendations:*

*IV.5.27.1.\* All TRLA staff including managers, should be evaluated on a regular basis. Evaluations of managers should include a formal system of feedback from staff supervised directly or indirectly, by the manager. Evaluations of advocates should address issues related to staff productivity -- however TRLA chooses to define that term -- and the quality of written and oral advocacy. Training and professional development should be tied to the evaluation. The evaluation process also provides an opportunity to recognize staff achievements.*

*IV.5.27.2.\* TRLA should review its policies regarding employee transfers and promotions and the creation of new positions to ensure the greatest transparency of process and to provide an*

*opportunity for interested employees wishing to pursue these opportunities to do so.*

TRLA will strive to enforce its employee evaluation policy more uniformly.

The recommendation regarding transfers and promotions is under review by management.

**Criterion 6. Internal communication.**

**Finding 28: TRIA's management and operations structure, designed in part to break down barriers resulting from the merger, have been generally successful, and most staff consider themselves to be part of a regional law firm.**

*Recommendation:*

*IV.6.28.1. \* TRLA management is urged to maintain regular, two-way communication with branch offices in order to minimize any perception of isolation or of information barriers that may arise as the program responds to funding challenges. In addition, mechanisms should be developed to share information among teams, among branch managers, and among and within offices.*

The recommendation regarding improved communications is under review by the management team.

**Criterion 7. General resource development and maintenance.**

**Finding 29: TRLA utilizes effective systems for resource development and has diversified funding sources.**

*Recommendations:*

*IV.7.29.1. \* TRLA should establish a board committee responsible for resource development, particularly in light of current funding challenges.*

*IV.7.29.2. TRLA is urged to consider producing an annual report for public dissemination when resources permit.*

These recommendations are under review by program management.

**Criteria 8 and 9. Coherent and comprehensive delivery structure, and Participation in an integrated legal services delivery system.**

**Finding 30: TRLA maintains and encourages a coherent delivery structure that is a key component of the statewide legal services delivery system.**

## NATIVE AMERICAN PROGRAM

**Finding 31:** TRLA provides effective representation to the Kickapoo tribe, given the limited resources available.

## MIGRANT FARM WORKER<sup>7</sup> PROGRAM

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

**Finding 32:** TRLA assessed the legal needs of migrant farmworkers in 2010, and has set goals and objectives for migrant services and developed strategies to *achieve* them based on available resources.

*Recommendation:*

*I.32.1. \* The Texas farm worker team should meet as a group to engage in work planning for the upcoming year. In-person work planning would help to develop a more cohesive farm worker team, promote sharing of information among team members, and encourage strategizing on how best to target TRLA's migrant resources in Texas.*

The Farm Worker Division, including the SMLS attorneys and paralegal, will hold a program-wide meeting this fall during the staff conference in Concan. The issues discussed in the report will be a significant part of the meeting's agenda.

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

**Criteria 1 and 2. Dignity and sensitivity and Engagement with the farm worker population.**

**Finding 33:** TRLA farm worker staff are culturally competent, are engaged with the client community, and take steps to ensure that program services are accessible.

Since receiving the LSC grants to serve clients in the six states under the Southern Migrant Legal Services operation, TRLA has always treated SMLS as an integrated whole, financially as well as operationally. SMLS does not function as one office administering six separate LSC migrant grants for six individual states. Although TRLA applies for each grant separately and accounts for each grant individually, the program is managed as a unitary operation. In any given year, one state may receive more, or even occasionally less, legal services than its financial contribution to the overall operation would suggest.<sup>8</sup>

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<sup>7</sup> TRLA adheres to the convention used by Cesar Chavez: "farm worker" rather than "farmworker."

<sup>8</sup> As a practical matter, TRLA has had to subsidize the Nashville office from the Texas migrant grant every

TRLA assumed the migrant delivery operations for the six southern states primarily because history had shown that effective migrant services could not be delivered by each state separately. The individual grants were simply too small to permit a meaningful level of service in any of the states. Collectively, TRLA has been able to operate a very effective four or five lawyer office, supplemented by fellowship attorneys and the Texas migrant grant.

Unfortunately, the LSC Inspector General has recently raised questions concerning the TRLA modus operandi in the SMLS region, apparently believing that the SMLS grants cannot legally be treated as a unified operation. Those questions, we understand, are going to be referred to LSC management for resolution. If that occurs, TRLA intends to work with LSC to resolve those questions in a manner that permits it to continue its effective advocacy in these southern states.

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

**Criterion 1. Legal representation.**

**Finding 34: TRLA has the capacity to perform high quality, effective legal work on behalf of migrant farm workers.**

***Recommendation:***

*111.1.35.1. \* TRLA should encourage experienced farm worker attorneys to mentor newer advocates to ensure the continuation of institutional knowledge and culture of advocacy and to engage in more direct representation of clients themselves.*

TRLA concurs in this suggestion.

**Finding 36: Supervision and management of legal work within the farm worker team is generally sufficient, although it is more structured in SMLS than in Migrant-TX.**

***Recommendation:***

*111.1.36.1. \* TRLA should adopt more formal management systems and practices for the Texas-based members of the farm worker team.*

The new Director of the Farm Worker Division is much more ruthless than her predecessor in adhering to modern management principles.

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year since its inception, and has no conceptual problem in doing so since many of the migrant clients served by SMLS are based in Texas or also work in Texas.

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

**Finding 37: TRLA effectively leverages LSC's resources in the six states served by the SMLS by providing significant administrative support to the operations of the Nashville office.**

There is an immediate threat to TRLA's plan of operation in the southern region. See discussion above.

**Finding 38: The SMLS Nashville office effectively leverages its resources through the use of law student interns and other volunteers.**

**Finding 39: TRLA is an active participant in regional and national efforts to provide migrant farm workers with access to legal services.**