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December 21, 2006

Legal Services Corporation  
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Washington, D.C.  
20007-3522

Mattie Cohen  
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Office Of Legal Affairs

**Public Response To Notice Of Proposed Rulemaking**  
**Amendment To Client Grievance Procedure CFR 45 1621.3**

As a past client of Gulf Coast Legal Services I believe that my experience with the grievance process and the delivery of legal service that I received could be of interest to members of LSC management involved in amending CFR 45 Part 1621.3 and Part 1621.4.

***Introduction***

*No evidence of Gulf Coast legal representation in Gulf Coast records or Sarasota County records*

Gulf Coast Legal Services Corporation will probably not have any corporate records consisting of a case file, time keeping file or a complaint file for my case just as Sarasota County court records do not have Gulf Coast LSC attorney April Charney listed as the attorney for the defendant in my case.

I am enclosing a copy of the Civil Inquiry Detail for Sarasota County showing that April Charney was not listed as my attorney in my case along with other documents to prove that Ms. Charney communicated with me and the attorney for the plaintiff by telephone, fax and United States mail using LSC stationery. I was never informed of the client grievance process verbally or in writing during the sixty-four days that I was led to believe that I was a LSC client.

*Lack Of Full Disclosure Of Corporation Affiliation With LSC, the LSC Act or regulations*

The relationship between Gulf Coast, Legal Services Corporation and the United States Congress is hidden from the public, applicants and clients by Gulf Coast. The LSC Act and LSC regulations are not provided in any brochures, office bulletin board notice or website notice. Members of the public have no way to find out the affiliation that Gulf Coast has with LSC and the Congress and therefore have no way to send complaints to the Office of Enforcement.

*Sarasota Herald Tribune article on Gulf Coast Legal Service  
Public disclosure of Gulf Coast Legal Services connection to LSC and the Congress*

I first became aware of the connection between Gulf Coast Legal Services, LSC and the Federal Government when I read an article in the Sarasota Herald Tribune concerning a business agreement that had been made between Gulf Coast Legal Services and the Manatee County Commission to refuse eviction cases in favor of foreclosures in return for \$18,000.00 in funding.

The article has a picture of Ms. Charney who is about to lose her job with Gulf Coast due to a cut in federal funding and describes how she has been admonished by the Sarasota County Commission claiming that she has driven up the housing authority's legal bills and that she is known as a "scrappy litigator". Gulf Coast is described as "an organization that sues government agencies making taxpayers pay for both sides of litigation and manipulates the system to beat evictions".

The article gave me the first inkling of a possible motive of why Ms. Charney had betrayed my interests and sabotaged my retaliatory eviction case. The article also provided me with the first information that Gulf Coast was affiliated with LSC and the Congress. It was not until September of 2006 when I came across the proposed changes to the client grievance procedure that I became aware of LSC regulations.

*I have no idea if the business agreement between Manatee County Commission and Gulf Coast was investigated by LSC. The legality of the agreement is in question by the person who wrote the article and I assume that if the legality is an issue of ethics that someone who works for Gulf Coast, sent a complaint in to the LSC Inspector General or a member of the legal community sent a complaint to the Office of Enforcement. It would be next to impossible for a member of the public not familiar with the corporate structure of Gulf Coast to know where to send a complain because the corporate structure of Gulf Coast being affiliated with LSC and the federal government is hidden from the public.*

## ***Comments On Proposed Changes***

### *Section 1621.1 – Purpose*

#### *Removal of the phrase “effective remedy”*

Removing the phrase “effective remedy” is a change that would benefit a client. By removing the phrase the client is not misled to believe that the grievance procedure is a substitute for a complaint made the Florida Bar or that the process could result in a legal remedy for the complaint.

To clarify the mission of the client grievance process to the public it would be helpful to make an addition of a statement that the client grievance process does not take the place of a complaint filed with the Florida Bar, that the Florida Bar expects the client to make a good faith effort to resolve the matter and that a good faith effort could be accomplished by the client complaining directly to the attorney and going through the client grievance procedure.

### *Section 1621.2 – Grievance Committee*

The issue of a conflict of interest that may exist due to the fact that members of a grantee governing body have a fiduciary duty to the organization and they are sitting in judgment of activities that have the potential of damaging the reputation of the organization is addressed by a warning the governing body to be careful and avoid potential conflicts or interest.

A warning to avoid an inevitable conflict of interest is avoiding the issue. A grievance committee should be free of any unfair influence that could sway their judgment to protect the interests of the organization over the interests of justice and the client.

The legal fiduciary duty to protect the interests of the organization and employees far outweighs any inner-organization committee activity responsibility that has the potential to cause a public scandal. If a member of the governing body extricated themselves from their legal obligation to the organization they might have to face legal consequences for their breach of their fiduciary obligation to the organization.

The issue of accountability is in balance and the only legal choice that a governing member has is to protect the interests of the organization and be accountable to the organization before being accountable to and protecting the interests of a person who is outside of the organization. A client going through a grievance procedure is in a high risk state for failure because of the conflict of interests that exist for the members of the grievance committee.

Members of the governing body who are clients do not have the legal training to sit in judgment of legal procedures yet they are expected to sit in judgment of the manner and quality of legal assistance that a client has received. It is unfair to the complaining client to have a member of the public who is not an attorney sitting in judgment of any manner or quality of legal assistance provided to a client.

LSC could create a LSC Grievance Committee generally based on EEOC procedures where all client complaints were sent to one office for resolution. The conflict of interests that exists in a grantee grievance committee would be eliminated.

*Section 1621.4 (b) (1) A method of providing a client, at the time the person is accepted as a client, with adequate notice as practicable of the complaint procedures and how to make a complaint*

Phrase “Initial visit” changed to “at the time that the person is accepted as a client”

The phrase *initial visit* is deleted from the wording and replaced with *at the time the person is accepted as a client*. By replacing *initial visit* with *at the time that the client is accepted as a client* all types of case intake are included regardless of the fact that the client may not have made a personal visit to a recipient’s office.

The use of the phrase *initial visit* could have been one of the loopholes that my attorney used to avoid informing me of the client grievance procedure as I was a telephone intake from a hospital where I was in intensive care and nurses were faxing documents back and forth between the Gulf Coast office and the hospital.

Phrase “adequate notice” included

*Adequate notice* is a very vague phrase. Notice of the client grievance procedure is a legal right of the client that should not be left to some unknown conspicuous placing of a written public announcement or a verbal announcement that has not been approved. *Adequate notice* is leaving to much to chance, what is adequate for one person is not adequate for another person.

For the best interests of the client and to make sure that the client is not denied the due process of being notified about the grievance procedure at the time that they are accepted as a client the phrase *adequate notice* should not be introduced into the wording of Section 1621.4.

A new form designed to be provided to the client at the time that they are accepted as a client entitled “Notice of Rights” describing the client grievance procedure and how to file a complaint could be a form that is given to the client by hand, faxed or sent in the United States Mail. This could provide more than adequate notice to clients and could save the attorney from making a verbal announcement of the grievance procedure that

might tend to make a client think that they may not be receiving professional, ethical legal assistance.

Phrase "practicable" included

The dictionary definition of *practicable* is "capable of being put into effect". The client grievance procedure would only be "capable of being put into effect" at the time that a client had a grievance. This would result in an attorney informing the client of the grievance procedure after the client voiced a complaint to the attorney and would negate the first part of the regulation requiring that a client be provided with notice of the grievance process at the time that the applicant is accepted as a client.

If the attorney is practicing under a code of silence about the grievance procedure then the client is going through the legal experience without knowing that they have a right to complain about the legal assistance that they are receiving or knowing how to file a complaint. There are some people who might be too timid to complain if they don't know that it's alright to do so. If their case is improperly handled they might not feel that they have a right to complain about a service that is given to them for free. Every client of LSC deserves the right to the due process to have the procedure fully disclosed to them at the time that they are accepted as a client and enter into an attorney client relationship.

It is idealistic, unrealistic and impracticable to believe that all LSC attorneys would provide a client who is complaining about their legal assistance with information on how to have the grievance investigated.

I believe that it would be practicable to provide a "Notice of Rights" form as described under the "adequate notice paragraph" at the time that the applicant is accepted as a client because it takes the guess work for timing out of the case work.

*Closing*

*In my case I was never informed that the client grievance process existed. I had no way to make a good faith effort to resolve ethical and legal issues with Ms. Charney or anyone else in Gulf Coast.*

*I telephoned the Gulf Coast office trying to speak with Ms. Charney about the manner and quality of the legal service that she provided for me for approximately two months after she was compelled to close the case. She was never able to speak to me and no one else at Gulf Coast would discuss the case with me.*

*This is not the correct forum to file a complaint about the legal assistance that I received from Ms. Charney but I would like to point out that after I went through LSC regulations and the Gulf Coast priority list it appears that Ms. Charney could have been within her legal rights not to inform me of the client grievance procedure.*

*The Gulf Coast priority list has the client grievance procedure listed under direct services described as “Developing written material explaining legal rights and responsibilities”. The applicant grievance procedure is listed under indirect services described as intake as no case is taken.*

*The client grievance procedure is required to be established by new recipients yet the client grievance procedure is still in a state of being developed after twenty-five years at Gulf Coast. Granted the time for making new priorities and keeping up with new laws and regulations I don't believe that a constant twenty-five year development phase for the client grievance procedure is a valid excuse for not having the procedure established and activated.*

*The reality is that my attorney was not under any obligation to provide information to me about a client grievance procedure that is not activated in Gulf Coast and she had signed an agreement that legally binds her to not accept matters that are not on the priority list (the client grievance procedure still being in the development state). I doubt that a client complaint would be considered an emergency that would warrant the attention of any LSC attorney, an office manager, the director or the board of directors.*

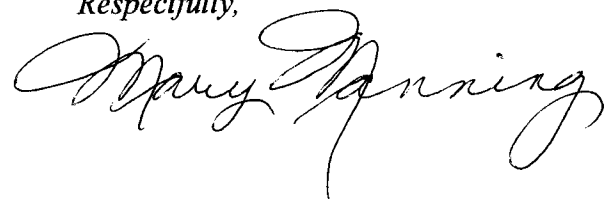
*I have given up hope of filing a complaint with Gulf Coast about the quality and manner of legal assistance that I received. The legal experience that I had with LSC has literally destroyed my life and has been the cause of a lot of physical, mental and emotional pain. My legal experience has also affected the lives of the high risk tenants who I had told Ms. Charney about during the time that I thought that I was her client.*

*She knew that high risk people lived in the building including a new born infant and a man with AIDS who had also been hospitalized as I had been yet she still proceeded to do everything within her power to conceal my illness and the dangerous state of the building from the State of Florida, the Sarasota County Court and the public by sabotaging my case, protecting the doctor who owns the building from a lawsuit and knowingly risking the public health.*

*By now you have probably pieced together a part of the puzzle about what was going on in the Gulf Coast offices during the spring and summer of 2003. I doubt if I was the only victim of Ms. Charney and I doubt if the people who came to Gulf Coast after they received their \$18,000.00 from the Manatee County Commission were informed of their right to a grievance procedure for being denied legal assistance.*

*Records were probably not kept by Ms. Charney or anyone else who denied eviction cases after the business agreement with the Manatee County Commission. LSC and Congress will never know how many people have been disregarded, controlled and abused by Ms. Charney or other attorneys at Gulf Coast.*

Respectfully,

A handwritten signature in black ink, appearing to read "Mary Manning". The signature is written in a cursive, flowing style with large loops and a long tail on the final letter.