



Legal Services Corporation
Office of Program Performance

Program Quality Report
for
Central Minnesota Legal Services, Inc.
Recipient # 524020

October 3 - 7, 2011

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INTRODUCTION

Background on the Visit.

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Central Minnesota Legal Services (CMLS) between October 2 and October 7, 2011. The team included Program Counsel from the Office of Program Performance Evora Thomas (team leader) and Stephanie Edelstein; and, Alex Gulotta and Carolyn Worrell, Temporary Employees.

Program quality visits are designed to ensure that LSC programs are providing the highest quality legal services to eligible clients. The evaluation examines the effectiveness of legal assistance and representation provided to eligible clients, including a program's engagement with the low-income community; and the efficiency of its leadership, management, and administration.

In conducting this evaluation, OPP relied on the LSC Act and Regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized consistent with the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management and delivery; and program management including board governance, leadership, strategic planning, resource development, and coordination within the delivery system.

The team reviewed documents and information that LSC receives from the program in the routine course of business, such as grant application information, case service reports (CSRs), and other service reports (OSRs). The team also reviewed documents and information the program submitted in advance of the visit, including advocates' writing samples and an on-line survey of CMLS staff. On site, the team visited all program offices. The team interviewed attorneys, managers, administrative personnel, the executive team, and support staff. In addition to speaking to most of the CMLS staff members, the team met with – or interviewed by phone – a sample of board members, judges, and representatives of local agencies and community organizations.

Program Overview

CMLS was established in 1976 as the result of a merger between Legal Aid Society of Minneapolis and St. Cloud Area Legal Services.¹ The program set out to “provide in a highly professional manner for the basic legal needs of families and children vulnerable to abuse, violence, neglect, homelessness or major economic disruptions in their lives.” Beginning in 1982, Mid-Minnesota Legal Assistance (MMLA), a separate legal services provider serving the same counties as CMLS, received a sub-grant from CMLS to provide legal services to LSC eligible clients while CMLS coordinated a volunteer attorney program. In 1995, the sub-grant was discontinued after the two programs engaged in joint planning efforts. CMLS incorporated a

¹ In 1977, Western Minnesota Legal Services joined CMLS.

direct legal service delivery component provided by staff attorneys. In a 2005 written statement prepared jointly by the two programs entitled *CMLS and MMLA Priorities*, the interplay of their coordination efforts was reaffirmed. The background statement indicated that,

CMLS is committed to being part of a comprehensive, holistic delivery system to clients. CMLS will focus on family law, housing and benefits cases and “mine” other poverty law issues that CMLS will handle or refer to MMLA and other providers if CMLS does not have the expertise or capacity to handle the legal issue. The term “mine” means that CMLS would expect CMLS staff to identify other poverty law issues of its family law, housing and benefits clients, both as part of its day to day work and perhaps through intentionally conducting a legal check-up with clients. CMLS management would then follow up on issues that should be further investigated by CMLS and issues that should be referred to MMLA. This collaborative approach would focus CMLS on providing high quality representation in a few-high priority substantive area of clients as part of a coordinated delivery system with MMLA and incorporate a valuable component of a commitment to systemic advocacy in tune with the day-to-day realities of low-income families.

CMLS’ service area covers 14,322 square miles; and is a 21 county mix of urban and rural communities that include: Hennepin County, the most populated county in Minnesota; Stearns County which includes a city of over 50,000 people in an otherwise rural area; and, Anoka County which is mixed rural and urban.² The remaining 18 rural counties have been transformed as many indigenous low income people have moved away from the smaller communities, relocating to more urban areas. Immigrants and refugees have located to the rural areas for employment in agriculture related industries. This has resulted in a significant change in the client community. For example, Minnesota is home to the largest number of Somali immigrants in the United States as a result of secondary resettlement. The total population of the service area reported in the 2000 U.S. Census is 2,004,407³, including a poverty population of 149,894 persons. Census data on the 2010 poverty population for the service area is not available.

In 2011, CMLS received a basic field grant award from LSC in the amount of \$1,445,485 for service area MN-6. The program also received non-LSC funding totaling \$384,699. CMLS provides a full range of services, using staff attorneys who provide advice, brief service and full representation for a broad range of legal problems; and, using the Volunteer Attorney Program (VAP) that serves 19 of the 21 counties. CMLS has also entered into LSC authorized sub-grant agreements with the Volunteer Lawyers Network, Minnesota State Bar Association and Minnesota Legal Services Coalition.

² With the exception of Anoka County, CMLS and MMLA share 20 of the 21 counties within the CMLS service area.

³ From, U.S. Census Bureau. The total population of Minnesota reported in the 2010 Census is 5,303,925 persons. Census data was not compiled on poverty populations in 2010.

SUMMARY OF FINDINGS

CMLS last conducted a comprehensive legal needs assessment in 2005. CMLS used a variety of approaches including telephone and written surveys of client eligible respondents, community organization partners, social service agencies, judiciary, attorneys and other stakeholders. CMLS participated in a statewide study of access barriers to legal services for low income Minnesotans, sponsored by the Minnesota State Bar Association and others. The report, *Overcoming Access Barriers That Prevent Low Income People from Resolving Civil Legal Problems*, was published in September 2011.

CMLS has adopted program priorities and allocated resources consistent with its program priorities. CMLS annually evaluates its effectiveness and identifies newly emerging issues.

CMLS collaborates with other legal services providers to conduct intake throughout its service area. The current intake process does not maximize the efficiencies of the case management system and other technologies available to CMLS. CMLS regularly conducts outreach for intake, advice and community legal education for the client community.

CMLS maintains three strategically located offices in downtown Minneapolis, St. Cloud and Willmar, which are co-located with MMLA, to provide access and legal assistance to clients. CMLS has a capable, culturally competent and diverse staff. CMLS has developed a robust capacity to accommodate the language communication needs of clients and applicants with limited English proficiency.

CMLS has in place adequate capacity and resources to carry out its work, insofar as its resources permit. CMLS utilizes systems, approaches, and techniques sufficient to ensure that the representation is carried out effectively. CMLS achieves substantial benefits for individual clients yielding some systemic solutions for other low-income people who may face similar legal problems.

CMLS effectively integrates private attorneys into its work as a way to supplement its capacity for representation and other services and to achieve its goals and objectives. CMLS engages in a myriad of other services for clients.

CMLS' board of directors is committed to the program and its mission. It exercises its fiduciary and oversight responsibilities effectively and efficiently. The board and executive director have developed effective channels of communication. Leadership at CMLS is experienced and held in high esteem. Leaders from CMLS and MMLA work collaboratively. CMLS should undertake a strategic planning process to assess and define its continued collaborations with MMLA, taking into account the evolving visions of current leadership.

CMLS devotes appropriate resources to management, considering the size of the program and integrates technology in the framework of its overall management of the program. CMLS has appropriate staff dedicated to handle financial administration; and, human resources policies

and practices appear adequate to recruit and retain quality staff. CMLS has consistently worked to expand and diversify its funding base.

CMLS plays an essential role within the coordinated, statewide legal services delivery system of Minnesota.

DISCUSSION OF FINDINGS

PERFORMANCE AREA ONE. Effectiveness in identifying needs of low-income people in the service area and targeting resources to meet those needs

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

Finding 1: CMLS last conducted a comprehensive legal needs assessment in 2005.

In 2005, as a result of statewide planning and the reconfiguration of service areas in Minnesota, Anoka County was added to the service area of CMLS.⁴ At that time, the program also undertook an assessment of the most compelling legal needs of its client community. CMLS used a variety of approaches including telephone and written surveys of client eligible respondents, community organization partners, social service agencies, judiciary, attorneys and other stakeholders. CMLS utilized “*Survey Monkey*” software to make the survey instrument available online. Other information was collected through in-person interviews and focus groups. Census data, legal services studies, case services reports (CSRs), GIS mapping and data from other governmental agencies was analyzed by the CMLS staff and board participating in the process.

Since April 2010 CMLS has participated with other Minnesota legal services providers and equal justice stakeholders in a statewide study of access barriers to legal services for low income Minnesotans, sponsored by the Minnesota State Bar Association and others.⁵ The report, ***Overcoming Access Barriers That Prevent Low Income People from Resolving Civil Legal Problems***, was published in September 2011. CMLS indicated that its findings would help the program to design its next comprehensive needs assessment in 2012.

Criterion 2 & 3. Setting goals and objectives, developing strategies, and allocating resources; Implementation.

⁴ The county had previously been the service area of another LSC recipient, Judicare of Anoka, Inc. That organization continues to operate as a non-LSC provider.

⁵ The Minnesota Client Access, Barriers and Solutions Study (“MN-CABS Study”) was a joint project of the Minnesota State Bar Association, the Bremer Foundation, the Minnesota Legal Services Coalition and the Legal Services Advisory Committee. The purpose of the MN-CABS Study was to identify specific groups of legal services-eligible clients around Minnesota, the barriers they face to obtaining legal services, and strategies for overcoming those barriers. The study was compiled by Hannah Liebermann, Project Manager and John Tull, along with Rossana Armson of the Minnesota Center for Survey Research.

Finding 2: CMLS has adopted program priorities and allocated resources consistent with the program priorities.

The information garnered from the 2005 needs assessment has resulted in the adoption of program priorities for CMLS. Priorities include: (1) Safety, Stability and Well-Being; (2) Preservation of Housing and Related Housing Needs; and (3) Maintaining Economic Security. Priorities are further customized for the Willmar and St. Cloud VAPs. The priorities statements describe the specific types of cases that will be handled in addressing the needs targeted by the priorities. Strategies are developed and are reasonably calculated to achieve the specified objectives, and are re-evaluated regularly and modified as appropriate.

CMLS considers the possibility of alternative approaches to address pressing legal needs that the program does not have the resources to address through full representation, or which do not require such representation to achieve the outcomes desired. These include advice only, limited or brief service, group clinics, interactive aids through the internet, other self-help materials, community legal education, and collaboration with and referral to other providers. CMLS determines whether a particular case constitutes an emergency that should be undertaken outside of priorities and records these cases as exceptions.

CMLS employs a complex arrangement with MMLA for determining which case types and subsets of those case types each program will handle and which it will refer to the other program. The stated goal is to provide CMLS with the ability to provide high quality representation in a few high priority substantive areas of need. In 2005 the two programs entered into an agreement memorializing this “priorities exchange system,” the collaborative approach to regional delivery of legal services. The agreement defines the extent to which CMLS is to focus on family law, income maintenance, housing and consumer cases. The terms of the agreement appear to be based on the staff expertise and preferences of the two programs at the time the agreement between them was made rather than upon any ongoing strategic division of services. Similarly, it is unclear whether the case types assigned to each program take into account the current range of eligible applicants and case activities permitted by the LSC Regulations. CMLS staff has trained and, in some instances, conferred with MMLA staff on the ability of CMLS to accept applicants based on LSC eligibility requirements. The program also noted that its priorities for the Volunteer Attorney Program are broader than for staff cases.

CMLS case closures appear to be consistent with overall program priorities. In 2010, CMLS closed 1654 cases including 776 family law cases (46.9%), 269 consumer/finance cases (16.3%), 258 housing cases (15.6%), 147 employment cases (8.9%) and income maintenance (8.6%).

Recommendation⁶

⁶ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two tiers (levels) of recommendations in this report. Recommendations marked with an asterisk are Tier One

I.3.2.1.* Within the context of the findings contained in the recent MN-CABS study, CMLS should review its priorities and the case divisions with MMLA, focusing on efficiency and sensitivity to the needs of and access by the client community. Each program's areas of responsibility should be more clearly delineated. These discussions should involve staff from all program offices; and should be conducted in conjunction with MMLA if at all possible.

Criterion 4. Evaluation and Adjustment

Finding 3: CMLS annually evaluates its effectiveness and identifies newly emerging issues.

CMLS and its partners do an effective job of recognizing emerging issues and changes in the needs of its client population. Consistent with the *CMLS and MMLA Priorities* statement, the two programs agreed to participate in an annual review of each program's priorities to maintain coordination of their respective program's role in the regional delivery system.⁷ The agreement does not address the requisite scope of expertise in the legal work capacities of the programs as part of the assessment of priorities. Throughout each year, CMLS gathers feedback about its existing priorities and information on newly emerging legal needs. This is accomplished by a variety of approaches, including outreach to social service centers, agencies, shelters, half-way houses, advocacy programs and ethnic social support groups; evaluation of CSR data; input from client board members; and staff involvement in the task forces sponsored by the Minnesota Legal Services Coalition (MLSC).⁸ The information is analyzed and presented to the board of directors in a written report prepared by the executive director for review and adoption of recommended adjustments to the priorities. This evaluation was most recently conducted at the CMLS board of directors meeting on Tuesday, December 14, 2010. Priority statements for the staff and volunteer attorney programs were discussed.

In recent years, the economic downturn became the cause for a number of emerging legal needs which CMLS identified, such as consumer problems involving predatory lending and bankruptcy, home foreclosures, and license revocations. Employment law is also a growing area

Recommendations and are intended to have a direct and major impact on program quality and/or program performance. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

⁷ "CMLS and MMLA will cooperate in an annual review of each program's priorities to maintain coordination of each program's role in the regional delivery system. The goal will be to regularly plan on how priorities are set and how merit assessments of cases are made in order to ensure that each program obtains case work that is meritorious and meet critical needs of clients. Because both organizations have limited resources (sic) not every client who falls within priorities will be able to receive services. Part of the merit assessment will be to make sure all possible legal remedies are explored and that each program is referred cases that include good faith claims that can be asserted on behalf of clients."

⁸ MLSC is comprised of seven regional legal services programs that together provide a full range of civil legal services to low-income and disadvantaged clients in all 87 Minnesota counties. The Coalition programs are: Anishinabe Legal Services, Central Minnesota Legal Services, Judicare of Anoka County, Legal Aid Services of Northeastern Minnesota, Legal Services of Northwest Minnesota, Mid-Minnesota Legal Assistance, and Southern Minnesota Regional Legal Services.

of concern. In response, there has been an increased focus on providing legal assistance in these areas of practice.

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

Criterion 1. Dignity and sensitivity.

Finding 4: CMLS’s collaboration with other legal services providers to conduct intake throughout its service area does not result in an efficient process.

Throughout the CMLS service area intake responsibilities are shared by MMLA and CMLS, except in Anoka County where CMLS shares them with Judicare of Anoka County. MMLA is the main intake portal for access to legal services by CMLS. CMLS does not compensate MMLA for intake services. In 1995, after the separation of the two organizations, their respective boards of directors were involved in approving the decision on how client intake would operate. The procedures were most recently memorialized effective May 4, 2007 and are incorporated in the CMLS Manual. Intake workers are staff and volunteers of MMLA who screen applicants for financial eligibility, case type and service area. CMLS also has designated intake workers in each office. According to the policy, “(i)f the client meets eligibility criteria and is suitable for representation, clients with cases within CMLS priorities are referred to CMLS intake.⁹ In the Minneapolis Office, CMLS intake staff and volunteers do most of the family law intake.” Conflict checks are separately performed for both MMLA and CMLS, before a complete intake is done. Each organization has a separate data base.

CMLS brochures advertise the MMLA telephone number for intake access. Intake staff members at both CMLS and MMLA see walk-in applicants, although it is not the preferred intake entry point. In Minneapolis MMLA intake workers conduct intake from 8:30AM to 4:30PM daily. The intake workers are trained to understand the priorities of each program and are very experienced. In St. Cloud, St. Cloud Legal Aid,¹⁰ due to funding cuts, has reduced its intake hours to 1:30PM to 4:30PM. Depending on the case type, the applicant may be referred to CMLS following initial intake screening¹¹. On Mondays, CMLS staff goes to Anoka to conduct intake at either the Judicare office or local county library. CMLS is considering development of online intake access.

When an application is referred to CMLS following initial intake screening by MMLA, the intake screening is repeated by CMLS. Information elicited from applicants by MMLA is not transferred to CMLS electronically even though both CMLS and MMLA use the *Practice*

⁹ In its comments to the draft report, CMLS states that “(i)f a client does contact CMLS initially and meets a CMLS priority, CMLS intake staff will do conflict checks and complete intake interviews without insisting that the client contact MMLA.”

¹⁰ MMLA allows its affiliated programs to operate under their former organization titles.

¹¹ Interviews suggest that there is inconsistency in how callers from Anoka County are handled. It appears that some are screened by CMLS staff, while others are told to contact Judicare of Anoka County.

Manager case management system (PM). Each CMLS office has its own intake procedures, although the intake systems are networked. In the Minneapolis office, two paralegals are responsible for intake with one serving as a client services (intake) coordinator and the other providing intake back-up. In the Willmar branch office, the volunteer coordinator is responsible for intake; and in St. Cloud the office manager/paralegal is responsible for intake.

Applicants who call CMLS directly are generally directed to call the MMLA intake telephone number during its hours of intake. Notwithstanding this practice, exceptions are made for a variety of applicants, including referrals from the Father's Project and other partner organizations; and, sometimes in St. Cloud when MMLA's intake is closed.

For Hennepin County, where Minneapolis is located, the family law unit at CMLS has an attorney of the week who assists with walk-in and emergency intake to determine court dates and whether action needs to be taken immediately; and, the public benefits and housing units each have an attorney of the day who also assists with intake. Those cases that may warrant extended services are retained by CMLS for further consideration during a weekly case review meeting where attorneys are assigned. An MMLA supervising attorney conducts a weekly case review meeting of the housing and government benefits units on Tuesdays and they are attended by CMLS and MMLA attorneys. The CMLS supervising attorney in Minneapolis also participates. On Wednesdays, CMLS has a separate case review to discuss its family law cases.

In the rural counties, where outreach advice clinics are conducted with a volunteer attorney participating, the cases for those clients are kept on a "waiting list" until they can be scheduled with an available volunteer attorney.

It appears that the CMLS intake system currently has many variables that influence the course of the intake. More importantly, by depending upon MMLA to serve as the primary portal for access to CMLS services, reliance is placed upon MMLA to analyze the legal problem and corresponding case type of the applicant. This results in MMLA exercising primary control over the cases that will be referred to CMLS for legal assistance. By utilizing the attorney of the day system for housing and benefits cases in the downtown office, all cases coming into MMLA on days when a CMLS attorney serves as the attorney of the day are automatically referred to CMLS. Nevertheless, because the initial intake process involves the filtering of cases by MMLA, albeit consistent with priorities, it appears that some cases may not be referred to CMLS that would enable the CMLS staff to increase its substantive knowledge and legal skills capacity by pursuing a broader range of legal problems and issues within the priorities divisions.

Recommendation

II.1.4.1.* CMLS should review the service area's intake system focusing on client-centered access and efficiency. The review should identify bottlenecks and barriers in the current intake system and inefficiencies caused by duplication of effort by MMLA and CMLS. The review should include consideration of a program wide, coordinated intake system in which calls can be transferred to anyone in the program without the client having to make a separate call.

The review should also include consideration of the option that advice be provided at the time of the initial call, perhaps through the use of volunteer attorneys.

Finding 5: The current intake process does not maximize the efficiencies of the case management system and other technologies available to CMLS.

When CMLS does the intakes following referral by MMLA, intake information compiled by MMLA is recorded by hand and then a “face sheet” is physically carried from MMLA to CMLS, put in a box, and a notation written on a clip board that indicates the existence of the referral to CMLS.

After CMLS receives the referral, staff initiates the intake process with a review of the information previously provided to MMLA by the applicant. CMLS staff reported inconsistently about whether they must first send an email to MMLA requesting that they do a conflicts check. They indicated that in instances where this practice occurs, CMLS staff has to wait for MMLA to check for conflicts before they can complete their intake and process the case, which creates delays. The initial intake information is then entered in *PM*.

Once the intake data is entered in CMLS’ case management system, the client is contacted via a telephone “call back” for an interview that is conducted by an experienced paralegal. During this conversation, initial intake eligibility data is verified and additional fact gathering takes place. Questionnaires for specific case types are used by the intake workers to record factual information from the client. The information is taken by hand and entered in *PM* later. Some staff indicated a preference for doing it this way and were reluctant to enter the information directly into the case management system contemporaneously with the intake interview.

II.1.5.1. Appropriate adjustments should be made to the case management systems utilized by MMLA and CMLS so that intake information can be entered directly into the case management system and transferred to CMLS electronically, thereby reducing duplication and inefficiencies. Staff should be appropriately trained and urged to enter information contemporaneously with the intake interview.*

Criterion 2. Engagement with the low-income population.

Finding 6: CMLS regularly conducts outreach for intake, advice and community legal education for the client community.

Most of the staff attorneys and volunteer attorneys affiliated with CMLS have participated in at least one of a variety of outreach activities. These include forums for workers, veterans’ stand-downs, battered women’s programs, homeless and domestic violence shelters, parenting programs, law library hosted events and senior centers. These events afford clients and the low-income community increased access to information and services. In May 2011, CMLS staff attorneys and clerks volunteered a total of 24 hours over five days at the Minneapolis Disaster Recovery Center located in north Minneapolis to respond to the tornado that ripped apart sections of north Minneapolis. Staff talked to a total of 37 people affected by the tornado.

Criterion 3. Access and utilization by the low-income population.

Finding 7: CMLS maintains three strategically located offices in downtown Minneapolis, St. Cloud and Willmar to provide access and legal assistance to clients.

CMLS offices in Minneapolis, St. Cloud and Willmar are located in areas most accessible to the highest concentrations of the low income population of the program's service area. CMLS offices are co-located with MMLA to leverage resources and promote collaboration between the two programs. These offices are appropriately adapted to accommodate physical challenges of access to its premises and services, including ADA compliant entryways and other assistive technology. They are professional in appearance, and have waiting areas that are clean, comfortable for clients, and stocked with toys and games for children.

Finding 8: CMLS has a capable, culturally competent and diverse staff.

Despite recent turnover within the attorney staff, CMLS continues to attract qualified and experienced new staff to the program. In addition to an attractive benefits package, recruitment has been enhanced by the program's participation in an LRAP program. At the time of the visit, there were 12 staff attorneys working at CMLS, in addition to the executive director. The ethnic diversity among these attorneys includes one Hispanic, one Asian-American (Hmong) and one Pakistani-American attorney. Within the remaining staff, African-Americans add to the diversity of CMLS. Although it continues to provide legal assistance through its Volunteer Attorney Program, CMLS has reduced the staffing level of the Willmar office. At the time of the visit, the only staff person in Willmar was an experienced volunteer coordinator who works under the supervision of the St. Cloud supervising attorney. At the time of the visit, the volunteer coordinator contemplated, but had not formally notified the program of her retirement in 2012. Since then, the coordinator submitted her resignation letter November 4, 2011 effective April 30, 2012. A transition plan has been developed.

Finding 9: CMLS has developed a robust capacity to accommodate the language communication needs of clients and applicants with limited English proficiency.

CMLS has adopted a Limited English Proficiency Policy (LEP) that facilitates access to CMLS services. Major non-English languages spoken in the CMLS client communities include Spanish, Russian, Somali, and Hmong.¹² CMLS provides for the availability of translators, uses Language Line for intake and has a bi-lingual staff member who is a Hmong speaker. The program also utilizes "The Bridge," a local translation company, and MMLA staff. In interviews with community organizations, respondents reported that one of the strengths of the program was the cultural competency of staff and their service to LEP clients. The statewide client website, LawHelpMN.org, supported by CMLS, is available in Spanish and portions have also been translated into Somali.

¹² A few other languages are spoken, including Laotian, Vietnamese, Cambodian, Oromo, Arabic and Serbo-Croatian.

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 10: CMLS has in place adequate capacity and resources to carry out its work, insofar as its resources permit.

CMLS has a significant percentage of experienced advocates with expertise in the priority areas of family law, housing, employment, and public benefits. A significant number of staff members have more than 10 years of experience.

Advocates have access to *WestLawNext* and other on-line research tools and CMLS maintains a reasonable law library of secondary and specialty resources such as National Consumer Law Center (“NCLC”) manuals, National Housing Law Project (“NHLP”) Green Book, etc. Advocates also have access to statewide listservs and participate in statewide task forces. The program maintains up-to-date computers as part of an integrated law firm network and uses the *Practice Manager* case management system program wide.

CMLS frequently engages in written discovery, motions accompanied by written memoranda and appeals to the appellate courts. The program engages in depositions occasionally. Complex work is often supported by outside resources such as private attorney volunteers (e.g. help with a U.S. Supreme Court Petition for Certiorari) and assistance from more experienced colleagues in other legal services programs (e.g. appellate brief reviews and oral argument mooting by the litigation directors at MMLA).

CMLS maintains a written set of expectations concerning the manner and performance of legal work. These standards seem to be communicated to and followed by staff.

Finding 11: CMLS utilizes systems, approaches, and techniques sufficient to ensure that the representation is carried out effectively.

Intake systems, case acceptance procedures, and case assignment procedures vary by substantive area and by office. This mix of practices seems to be based on historical precedents, out-dated merger agreements and past practices. In most circumstances, a weekly file review (case acceptance) meeting is conducted by each unit. A review of case acceptance procedures from a client centered perspective may provide valuable insight to avenues for improvement.

Once cases are assigned, the legal work is performed at a high quality with reasonable and effective supervisory oversight including quarterly file reviews, regular open door interactions, review of written work, extra support for complex cases, and regular performance evaluations. All cases are reviewed by a supervisor at closing. CMLS requires its case handling staff members to communicate with clients on a regular basis during the pendency of their cases. Advice to clients is routinely documented in writing. CMLS regularly sends client satisfaction surveys with the closing letter.

CMLS is in the process of finalizing an agreement with MMLA to contract for a part-time litigation director. CMLS has acknowledged the need to focus more attention to expanding the proficiency of advocates by greater cultivation of their technical skills and expertise. At the time of the visit, the executive director, an experienced legal services attorney of more than 30 years, had been involved in mentoring and coaching of newer attorneys and continues to participate in some case reviews although she no longer maintains an ongoing caseload. In Minneapolis, a supervising attorney oversees the legal work of the family law and housing cases; and to a limited extent, the executive director supervises the government benefits casework. A managing attorney is responsible for supervision of the legal work performed in both the Willmar and St. Cloud offices.

Legal work is supported by a number of internal systems; however, the line item for direct litigation expenses included in the budget for 2011 is quite low at \$3,100. Some staff members expressed a concern that more money should be allocated to fund their litigation expenses.¹³ CMLS does not use a uniform electronic system of calendaring deadlines and tickling case follow-up dates. Tickling and calendaring practices vary by office and by advocate. The primary system for some staff involves manual entries on paper systems.

CMLS places a high priority on the training of advocacy staff. In addition to local CLEs and the extensive offerings provided by the Minnesota Legal Services Coalition (MLSC), CMLS sends a significant portion of the advocacy staff to the annual Minnesota State Bar Association (MSBA) Family Law Institute and new attorneys participate in NITA sponsored skills trainings. In 2011, CMLS budgeted \$17,100 for staff training.

The program has and uses systems for ongoing evaluation of the effectiveness of individual legal work, performing regular docket and case file reviews in addition to an annual performance evaluation process. CMLS does not, however, have a deliberate system for evaluating the effectiveness of legal work at a program-wide level. There is no intentional system for a global assessment of the results obtained and the efficiency and quality of the methods utilized to produce those results. The executive director holds an annual meeting to review overall performance and productivity. She has also undertaken a comparative analysis of closed case reports for all staff attorneys.

Since 2008, CMLS has experienced an 8.7% decrease in the number of closed cases. The total number of cases closed by CMLS in 2010 was 1654. This number is below the national norms. The 1654 cases closed represents 116 cases per 10,000 people in poverty which is well below the national median of 284 and the national average of 262. It should be noted that the number of advocates at the program dropped by 4 during this period and funding decreased from \$2,298,685 to \$1,896,263. On the other hand, CMLS has a slightly higher percentage of closed

¹³ In its comments to the draft report, the program states that, "CMLS attorneys do frequently request, and are granted, supplemental In Forma Pauperis Orders pursuant to a state statute requiring the courts to cover the costs associated with direct litigation, including for depositions costs, transcript costs, appeal costs, custody evaluation and guardian ad litem costs. In addition, in an effort to keep litigation costs low, CMLS often negotiates for in-kind witness fees from expert witnesses and/or waiver of some expenses like medical records expenses from area hospitals. Costs for interpreters who may be used in court proceedings are a separate line item and the budget for this item in 2010 was \$23,000."

extended services cases,¹⁴ so the differential may also be attributed to a number of other factors including: most initial intake and routine advice are performed by CMLS' non-LSC counterpart, MMLA; and, the high percentage of contested, multi-issue family cases are handled by CMLS. . Attorney caseloads and cases closed per year seem to vary substantially.

There are many clinics offered by CMLS that provide only legal information to attendees. For example, CMLS has one staff attorney and one part-time paralegal assigned to the Stearns County Law Library Pro Se Project in St. Cloud and the client contacts are reported entirely as "other services." According to CMLS, in 2010 this Project recorded 4,487 contacts with clients. As part of the project's design, information, not legal advice is provided, resulting in no client contacts being reported as cases.

Recommendations

III.1.11.1.* CMLS should examine the case acceptance and case assignment procedures to determine best practices from a client centered perspective and implement such best practices on a program-wide basis in all substantive areas.

III.1.11.2. As resources allow, CMLS should budget additional funds to support litigation expenses and engage in internal training on the effective use of such resources (e.g. depositions, expert witness, mental health evaluations, etc.).

III.1.11.3.* CMLS should consider opportunities to provide advice in situations where they are currently only providing legal information.

III.1.11.4.* CMLS should regularly generate comparative closed case reports of the cases closed by its staff attorneys.

III.1.11.5. CMLS should convene staff annually to review results achieved for clients over the preceding 12 months and to strategize as to potential changes in the delivery of services to clients that may improve the quality and effectiveness of the representation received by clients.

III.1.11.6*. CMLS should explore best practices within the program as regards electronic calendaring and tickling and should develop and follow a uniform electronic system of calendaring and tickling cases (manual systems may still serve as redundant back-up systems).

Finding 12: CMLS achieves substantial benefits for individual clients, yielding some systemic solutions for other low-income people who may face similar legal problems.

The judges interviewed by the visit team spoke highly of the quality of legal work performed by CMLS advocates. Advocates were reported to be prepared, professional and capable. In rural areas, however, the CMLS attorneys were less well-known to the judges.

The caliber of legal work performed by the program frequently results in substantial benefits for individual clients, as well as for the client community. For example, in 2009, CMLS

¹⁴ In 2010, 26.5% of the cases closed by CMLS were extended service cases.

co-counseled a case with MMLA seeking declaratory and injunctive relief against the Minneapolis Public Housing Authority (MPHA) for policies that prevented residents from adding family members in their care to their lease agreements. The case settled for the individual plaintiff but also resulted in substantial changes to MPHA policies making it easier for all tenants to add children in their care to a lease and providing for clear and streamlined procedures for the MPHA to verify the residence of such children to social services agencies that the tenant had contacted regarding eligibility for other public benefit programs.

CMLS has prosecuted a number of appeals as part of an on-going initiative to improve the law for low-income Minnesotans regarding unemployment insurance benefit payments, social security benefits and various family law issues. In one instance, 83 Somali Muslims claimed that St. Cloud-based *Gold'n Plump*, a poultry producer, violated their religious rights by refusing to allow them prayer breaks during work hours. CMLS filed a petition for certiorari in the state supreme court regarding unemployment insurance claims of 30 of the Somali Muslims and worked cooperatively with pro bono private sector attorneys in challenging the settlement of a putative class action against *Gold'n Plump*. These were individual actions joined together for litigation purposes.

CMLS does not use a system of outcome measures designed to quantify the value or benefit of the services provided to clients.

Recommendation

III.1.12.1. CMLS should consider implementing a system of outcome measures to track qualitative and quantitative case results such as the number of persons helped, the monetary benefit of the case and other similar measures.

Criterion 2. Private Attorney Involvement.

Finding 13: CMLS effectively integrates private attorneys into its work as a way to supplement its capacity for representation and other services and to achieve its goals and objectives.

PAI activities are consistent with CMLS program priorities. Annually, CMLS proposes adjustments to priorities that are framed specifically for PAI. CMLS' service area includes Minneapolis, one of two metropolitan cities referred to as the "Twin Cities" area, where lawyers are plentiful.¹⁵ But, the service area also includes suburban and some very rural communities which may have only 3 or 4 lawyers in the county, and no active bar association. CMLS appropriately recognizes that it must be flexible and creative to address the needs of such an area.

The CMLS staff members who administer the Private Attorney Involvement (PAI) program are experienced and enthusiastic; and they are supported by other program staff. CMLS

¹⁵ The other city is St. Paul, MN where a different LSC grantee, Southern Minnesota Regional Legal Services, is responsible for delivery of civil legal services.

has adopted a formal PAI Plan that describes a range of program activities, including referrals of individual cases to private attorneys who handle the case pro bono; reduced fee plans; and limited service clinics that use a combined staff/volunteer model. The Plan includes three subcontracts, only one of which is for direct services. The subcontracts are: (1) to the MSBA to coordinate statewide pro bono activities; (2) to the Minnesota Legal Services Coalition (MLSC) to train volunteer attorneys and provide support (projusticemn.org); and (3) to the Hennepin County Volunteer Lawyers Network (VLN) to recruit volunteer lawyers, match them to cases or activities, and support them in their volunteer work. The latter contract is for at least 340 cases per year.

The core of CMLS's staff work to involve private attorneys is conducted by the St. Cloud and Willmar offices, outside of the "Twin Cities" area. These offices offer volunteers individual case opportunities (limited or extended) as well as limited service opportunities such as the debt clinics and the housing clinics. CMLS also offers attorneys the option of serving as volunteer mediators in family court mediation. CMLS makes creative use of non-lawyer volunteers such as the paralegal interns from the Minnesota School of Business.

At the state level, the Minnesota Supreme Court has demonstrated support for legal services and for pro bono, through the activities of the Legal Services Advisory Committee. Minnesota was one of the first states to adopt Model Rule 6.1.¹⁶ However, the bar does not as yet have procedures for members of the bar to report their pro bono activity, nor is there an *emeritus* rule allowing retired or inactive lawyers to perform pro bono legal services. However, the state bar has adopted a standard, or expectation for pro bono service. Lawyers who choose to get involved in pro bono have several options for how to do so, and they have resources, including www.ProJusticeMN.org. At the time of the visit, plans were underway to convene an access to justice summit of state bar leaders, legal services providers and other stakeholders to discuss the finding in the MN-CABS study. The event, scheduled to take place during National Pro Bono Week in October 2011, offers the opportunity to identify new ideas and consider new directions.

CMLS collaborates with other providers in the state to develop systems and provide support for pro bono. For example, over the years, the executive director has been actively involved in leadership of the MSBA Legal Assistance to the Disadvantaged Committee. The various clinics and the family mediation program are impressive examples of collaborations with courts, bar associations and law libraries, through which CMLS is able to extend limited services to benefit clients. Recently, a new collaboration was forged with the VLN (Hennepin County), in which volunteer attorneys will provide telephone advice on employment related issues from their own offices.

Staff is active in the MSBA and in local bar associations, which encourages awareness of the program's work and promotes private bar involvement. Representatives of the volunteer lawyer programs around the state meet regularly.

¹⁶ ABA Model Rule 6.1 on Voluntary Pro Bono Publico Service, states in part that "Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year."

Volunteers receive support in the form of malpractice coverage, research materials, and sample pleadings. All volunteers interviewed by the team report receiving sufficient support from program staff and other sources. Those taking on new areas of law were particularly enthusiastic about the level of support they received. Referrals of cases and follow up on non-clinic cases appear to be effective, and volunteers receive recognition through individual notes of appreciation, acknowledgement at bar events, and by other means.

In 2010, CMLS closed 622 PAI cases, which is 37.6% of its total closed cases for the year. CSR data show that the number of PAI cases closed by CMLS per 10,000 poor persons is consistently above the national median. In 2010 CMLS closed 43 PAI cases per 10,000 poor persons while the national median was 23 cases per 10,000 poor persons. The number of extended cases closed per 10,000 poor persons is also above the national median. In 2010 CMLS closed 15 extended PAI cases per 10,000 poor persons while the national median was 9 extended cases per 10,000 poor persons. Of the total PAI cases closed, 35% (218) were extended service cases and 65% (404) were limited services. The issues most frequently handled by pro bono attorneys were family - 44.9% (279), and consumer - 40.5% (252). Fifty-four percent (336) of the cases closed by CMLS as PAI were counsel and advice and 7.6% (47) were the result of court decisions in contested cases.

Written materials, on-site interviews, and data reflect a PAI program that is making an effort to match client need to volunteer resources. Moving forward CMLS is confronted with a challenge to boost volunteer recruitment. In 2010, the program reported that 1151 attorneys had agreed to participate in PAI and that 271 had actually accepted cases. According to the MSBA, there are about 20,000 lawyers licensed in the state, of whom 8,000-9,000 are located in Hennepin County. The mutual goal of CMLS and MSBA is to find ways to use the skills of those lawyers to serve clients throughout service area. A pilot program to attract private attorneys to handle extended service family law cases for a reduced fee is being developed similar to a *Judicare* model implemented in Maryland.

Recommendations

III.2.13.1.* CMLS should consider additional ways for involving lawyers from the “Twin Cities” metro area in providing services to clients in rural communities. To accomplish this objective, the use of technology such as videoconferencing should be considered, along with recruiting corporate counsel and developing partnerships with large law firms.

III.2.13.2. CMLS should continue to explore ways to involve attorneys in rural areas in extended service cases.

Criterion 3 and 4. Other program activities to and on behalf of the eligible client population.

Finding 14: CMLS engages in a myriad of other services for clients.

CMLS offers several other services to the client community such as community legal education, clinics on a variety of issues at which participants receive assistance from a staff

attorney or pro bono attorney, and assistance with self-help activities through clinics and the website. The “Father Project” is a unique and particularly distinctive example of such services. It was initially developed with funding from the Department of Health and Human Services to assist unmarried parents to secure access to and visitation privileges with their children. CMLS offered legal information that complimented what was taught in the parenting classes and employment counseling offered to participants. Currently, CMLS staff also provides representation for the participants who complete the parenting program to help ensure that they have parenting time with their children.

The law library clinics are another significant initiative that offers pro se litigants assistance with family law matters. Assistance is provided by staff and volunteer attorneys. Clinics have been established in Stearns, Wright, Sherburne and Anoka Counties.

CMLS staff attorneys, with assistance from paralegals and law students, also staff a weekly Housing Court Project. Pro se tenants can meet with an attorney who explains the court process, provides legal advice, and assists with completing court forms. The Housing Court Project assists with evictions, lease violations, repair problems, emergency repairs, lockouts, expungement of housing court records and service issues. This is a cooperative program with Anoka County Court Administration and Judicare of Anoka County, an independent program.

CMLS provides a staff attorney three half days a week to lead child support clinics at the Hennepin County (Minneapolis) Family Justice Center’s Self-Help Center. The attorneys give a general overview of the law and forms, and then they review the forms of pro se litigants attending the clinic. The attorneys are assisted by law students placed through the Minnesota Justice Foundation, Minnesota’s public service organization for law students.

The statewide website offers a wealth of informational materials on a range of legal issues. Of particular note are the resources for speakers of languages other than English, including the “mirror” site in Spanish and Somali; the *LiveHelp* feature, and document preparation assistance.

CMLS staff members serve on a variety of boards, bar association and other committees that support the delivery of civil legal services to low-income people. For example, the executive director has served as chair of the MSBA Pro Se Implementation Committee, chair of the Family Law Section and as the co-chair of the MSBA Legal Assistance to the Disadvantaged Committee (LAD) from 1997 to 1999 and again in 2010. CMLS staff also contributes their expertise to the work of the Minnesota Legal Services Coalition, including instruction at CLE presentations on a variety of subjects related to poverty law.

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership and administration

Criterion 1. Board Governance.

Finding 15: The CMLS board of directors is committed to the program and its mission.

Some members of the CMLS board have long-standing experience with the provision of civil legal services and volunteer attorney programs. Many of the board members are prominent in the legal community. Members are knowledgeable about the activities of the organization and overall statewide legal services delivery system. The board holds regularly scheduled quarterly meetings with thorough discussion of issues presented for review and action. In person participation is consistently high and accommodations are available for telephone participation.

In light of funding cut-backs, the board is working to maintain the caliber of services that the program has been known to offer without having to compromise their reputation for excellent quality legal services. They approve the grant opportunities the staff identifies and pursues.

CMLS has experienced difficulty in recruiting and retaining client eligible board members. Some client eligible members have expressed difficulty with attending meetings because of their work schedules. Several client eligible members have valuable expertise that can enhance the effectiveness of the board, such as non-profit leadership, management, mass media and telecommunications experience.

Recommendation

IV.1.15.1.* To increase client eligible board member participation, CMLS should review materials produced by LSC, National Legal Aid and Defender Association (NLADA), Management Information Exchange and other entities that have produced training materials, workshops and other resources on client engagement.

IV.1.15.2.* CMLS should consider opportunities for client eligible members to become more involved in promoting the program within the client community.

Finding 16: The CMLS Board of Directors exercises its fiduciary and oversight responsibilities effectively and efficiently.

The CMLS board of directors exercises appropriate oversight of fiscal and compliance activities of the program. An executive committee reviews quarterly financial statements and acts on behalf of the board during the interim between meetings. The executive committee consists of the officers of the board and may include additional members. However, there are no client eligible members on the executive committee. An audit committee oversees and implements recommendations from the annual financial audit performed by an independent auditor.

CMLS provides an orientation for new members of the board of directors. The executive director provides orientation through a one hour overview of the CMLS program and board committee structures. New members are given a board of directors manual. However, new and other members have not received training in understanding financial reports or fiduciary responsibilities. Some training has been provided during statewide legal services program conferences and staff/board retreats. Members expressed an interest in receiving additional board governance training.

The CMLS board adopts governance and other policies required for compliance with LSC Regulations. The board promotes accountability for program activities by reviewing written quarterly reports from the executive director describing program activities and other developments impacting the program, such as updates on LSC activities and funding prospects. From time to time, staff presentations provide additional insights about the work of the program.

The executive director and chairman of the board of directors meet monthly in person and by email or telephone more frequently to discuss current developments within the program and possibilities for future adjustments or projects. The board of directors conducts an annual performance evaluation of the executive director. Members expressed confidence in her abilities to manage the organization, citing the thoroughness of her reports to the board that keep them fully informed about the issues confronting the program and basis for their decision making.

The boards of CMLS and MMLA recently agreed to create an overlapping member position. It had been discussed for some time before it was implemented. It is viewed as an opportunity for cross-sharing of information and ideas. The boards each have a conflicts policy in place already.

The CMLS board of directors has not undertaken any specific fundraising initiatives. CMLS supports the fundraising campaigns of others such as MMLA, from which CMLS ultimately derives a benefit. MMLA and CMLS have historically agreed not to compete against each other for funding opportunities.

Recommendations

IV.1.16.1. CMLS should consider providing monthly financial reports to the members of the executive committee.

IV.1.16.2. To ensure that appropriate perspectives are included in decision-making, CMLS should consider appointing a client eligible member of the board to the executive committee.

IV.1.16.3*. CMLS should increase the content of its new member orientation to cover additional information on fiduciary responsibility and train members on the technical skills required to perform oversight and evaluation of the programs performance.

Criterion 2. Leadership.

Finding 19: Leadership at CMLS is experienced and held in high esteem.

Leadership of CMLS is primarily limited to the executive director, Jean Lastine, who is recognized throughout the state of Minnesota as an experienced and competent legal services attorney and organization executive. She has a long-standing history of involvement in legal services within Minnesota. The executive director provides mentoring to staff attorneys and conducts trainings on poverty law topics, particularly those related to family law. She is held in

high esteem by the board of directors, staff and community leaders. The executive director has played a prominent role in efforts to preserve state appropriations for funding legal services providers; and, in state justice community planning efforts to develop a comprehensive statewide legal services delivery system within Minnesota. She has held a number of leadership positions, as described in **Finding 14**, *supra*, and is an active contributor to the work and resources of MLSC. The executive director provided oversight to the MN-CABS Study. She contemplates using the information in the study as a basis for strategic planning.

Criterion 3. Overall Management and Administration.

Finding 20: CMLS devotes appropriate resources to management, considering the size of the program.

The executive director of CMLS is supported by the agency administrator who has been with the organization since 1999. The agency administrator is responsible for logistical support to the board, management of financial records and reporting, compliance with grant award requirements, maintenance and support of human resources, troubleshooting technology and other roles as needed. She has appropriate formal training and experience to perform the duties she is assigned. She and the executive director work collaboratively on a daily basis. She produces financial statements and information on PAI case closings for the board of directors on a quarterly basis.

CMLS' management structure includes middle managers. To a limited extent, the executive director relies upon a supervising attorney in Minneapolis and a managing attorney for the Willmar and St. Cloud offices to assist her with supervision of legal work within each of the three offices. These two attorneys are experienced legal practitioners and they provide direct oversight to the attorneys, paralegals and support staff. They also conduct performance evaluations of the staff they supervise. However, unlike the managing attorney for Willmar and St. Cloud, implementation of office policies and procedures is not the primary responsibility of the supervising attorney in Minneapolis. The executive director spends a significant amount of her time on operational issues in the Minneapolis office. This includes the direct supervision of the work of several frontline casehandlers. These activities appear to compromise the time that she has to attend to broader program leadership responsibilities.

To the extent resources permit, CMLS makes training opportunities available to staff. Funds are allocated for CLE's to be provided for the legal staff. Other staff members have participated in substantive law training from time to time. CMLS staff members have participated in the bi-annual statewide training conferences sponsored by MLSC.

On a regular basis, CMLS evaluates the program's performance by producing comparative reports of the cases closed by its volunteer attorney programs. These reports are shared with the board of directors. It does not appear that similar reports of closed cases handled by staff attorneys are provided to the board of directors.

Recommendation

IV.3.20.1. CMLS should generate comparative closed case reports of the cases closed by its staff attorneys for review by the board of directors and staff.

IV.3.20.2.* CMLS should consider establishing a managing attorney position in Minneapolis office.

IV.3.20.3. CMLS should consider adopting a Leadership Team model of program management that includes such positions as the Executive Director, Agency Administrator and managing attorneys.

Finding 21: CMLS integrates technology in the framework of its overall management of the program.

As described throughout this report, CMLS takes advantage of recent developments in technology. Program computers operate on a *Windows 7* platform and are networked within and between all program offices. All staff members have remote access to the network and use *Microsoft* applications to produce documents, spreadsheets, presentations, etc. All have Internet access. In 2010, CMLS and MMLA installed a new telephone system. CMLS uses *Practice Manager (PM)* case management system software to conduct intake, preserve client/case data, to report timekeeping, to supervise and review legal work and to manage PAI. The program uses *Micro Information Products (MIP)* software for financial management and accounting and uses *GIS* mapping and *Survey Monkey* software to conduct periodic legal needs assessments. However, a new program-wide calendaring system is under-utilized and some staff reported a personal preference for preparing handwritten notes that are subsequently entered in *PM*. CMLS staff contributes content for its statewide websites. CMLS collaborates with the other participants of MLSC to plan new technology initiatives and upgrades.

CMLS budgets funds for ongoing maintenance and upgrade of hardware and software. CMLS contracts with MMLA for IT services. MMLA has four staff members who are designated to do the work: (1) equipment specialist; (2) case management programmer; (3) helpline troubleshooter; and, 4) IT director.

Recommendation

IV.3.21.1. To enhance the overall efficiency of operations and productivity, CMLS should ensure appropriate utilization of available technology by all staff.

Criterion 4. Financial Administration.¹⁷

Finding 22: CMLS has appropriate staff dedicated to handle financial administration.

The agency administrator is responsible for all accounting functions, although additional staff members are involved in order to ensure appropriate internal controls defined in the CMLS *Accounting Procedures Manual*, which was last updated in the spring of 2011 to conform to the 2010 *Revised LSC Accounting Guide*. The agency administrator handles local banking issues and also prepares the financial components of grant applications and grant activity reports. She participates in discussions of the board's executive committee about the quarterly financial statements. She also works directly with the executive director to forecast revenue and expenses for the purpose of developing annual budgets for the board's consideration and approval.

CMLS conducts an annual audit and implements recommendations provided by the auditor. The agency administrator acts as a liaison to the auditor. The annual audit is conducted under the direction of the audit committee; and, the audit report is reviewed and its recommendations implemented by the audit committee.

The agency administrator has overall responsibility for procurement of office supplies and equipment, including office and equipment leases and maintenance. In St Cloud and Willmar, the office managers are permitted to order, subject to her review of purchase orders.

Criterion 5. Human Resource Administration.

Finding 23: CMLS human resources policies and practices appear adequate to recruit and retain quality staff.

CMLS demonstrates effective human resources administration. The agency administrator is the designated HR administrator. She maintains the personnel and employee benefits records. Payroll accounting is outsourced to a private firm. The agency administrator is not responsible for recruitment. Employee performance evaluations are conducted annually. The program provides a benefits package that promotes staff retention. Employee benefits include: health and dental insurance; life insurance; long-term disability coverage; flex/transportation reimbursement; flex-dollars (medical and dependent care);; two personal days, nine holidays, 12 sick and 10 to 25 days per year for vacation,); professional dues; federal and state professional licenses; and professional development/training.

¹⁷ This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC

Criterion 7. General Resource Development and Maintenance.

Finding 24: CMLS has consistently worked to expand and diversify its funding base.

LSC funding comprises more than two-thirds of CMLS' revenue. Other non-LSC funds come from state appropriations,¹⁸ IOLTA, foundation grants, and collaborations with law libraries and other community partners for clinics and other services. Additional revenue comes from attorney registration fees administered by the Legal Services Advisory Committee (LSAC), appointed by the Minnesota Supreme Court.¹⁹ CMLS has also received *cy pres* awards in the past

CMLS does not have a designated resource development staff person or a resource development strategy outside of the one established by agreement with MMLA. It explains how CMLS shares revenue and receives additional funds from MMLA's private fundraising efforts. The two programs have agreed to work together as partners and not to compete with each other for funds. The resulting resource sharing plan adopted in 1996 was adjusted in 2010. The current revenue sharing formula uses MMLA's 2006 revenue from LSAC as a basis for apportioning any increase in funding by a ratio of 86.38% going to MMLA and 13.67% going to CMLS.

In addition to the above, CMLS has made reasonable efforts to increase its funding by actively pursuing federal, state and other government funding opportunities; and, leveraging its resources with those of other stakeholders within Minnesota. CMLS participates in efforts to preserve the Minnesota attorney registration fee funds; and has participated in a pilot project for online intake and development of a law library clinic model. CMLS adjusts its staffing and priorities to address shifts in funding experienced by the program and by other legal services providers such as the previous losses of VAWA and United Way grants.

Criterion 8 and 9. Coherent and comprehensive delivery structure; and participation in an integrated delivery system.

Finding 25: CMLS plays an essential role within the coordinated, statewide legal services delivery system of Minnesota.

CMLS plays an important role in statewide and regional efforts to provide equal access to a full range of legal services through its collaboration with its six partner legal services providers in the Minnesota Legal Services Coalition, particularly with MMLA and JAC. Office co-location, revenue sharing, integrated legal assistance to provide a full range of services and

¹⁸ For the first time, in 2011 the Minnesota legislature included a provision in the state budget allocation for civil legal services that states "priority must be given" to clients with cases in state courts when spending state dollars. Legal services programs have construed this to mean that organizations receiving state grant dollars can no longer use that money to pursue federal court cases.

¹⁹ Pursuant to state statute, 85% of this revenue is awarded to six of the seven MLSC programs. CMLS was not included. However, CMLS receives a percentage of what is awarded to MMLA; and, CMLS is also eligible to apply for a competitive grant drawn from the remaining 15% of attorney registration revenue.

shared technology infrastructure, are among the systemic features of its collaborative efforts. There is a substantial interdependence between MMLA and CMLS to take advantage of the legal expertise of advocates from each program. This relationship is impacted whenever there are shifts in funding to either program.

CNLS's executive director has worked closely with the former and current executive directors of MMLA, in order to closely coordinate intake and legal services delivery. Acknowledging that significant strategic planning has not occurred since 2005, both current executive directors share a vision to increase the efficiency of their respective organizations, while remaining responsive to increasing demands for legal assistance.

CMLS participates with other stakeholders in efforts to increase potential sources of funding, volunteers and in-kind resources through legislative advocacy, collaborations with state and local bar associations, law firms, law schools, law libraries and community organizations.

Staff members of CMLS serve on influential committees of the MSBA where they contribute valuable perspectives and information to deliberations on providing access to the courts and provision of civil legal assistance to low-income clients. Staff members of CMLS have shared their expertise in various aspects of poverty law by providing training to the state and local bar associations, volunteer attorneys, special judicial committees, taskforces, agencies and community organizations. CMLS is an active partner in MLSC.

The program is an active participant in the statewide website initiatives, LawHelpMN.org and ProJusticeMN.org. CMLS staff members regularly provide materials and feedback on fact sheets and other content used on these statewide resources.

Recommendation

IV.4.25.1.* CMLS should consider adjusting its collaborations with MMLA to address shifts in funding and staffing capacities of the two organizations.

IV.4.25.2.* CMLS should undertake a strategic planning process to assess and define its continued collaborations with MMLA, taking into account the evolving visions of current leadership.