

**LEGAL SERVICES CORPORATION  
OFFICE OF INSPECTOR GENERAL**

**REVIEW OF CASE STATISTICS REPORT**

**Grantee: Legal Aid Society of San Diego, Inc.  
Recipient No. 805250**

**AU99-012**

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## **EXECUTIVE SUMMARY**

The 1997 Grant Activity Report submitted by the Legal Aid Society of San Diego significantly overstated the number of cases closed during the year and understated the cases open at year end. The program reported 32,304 cases closed, but only 10,279 cases qualified to be reported as closed. Therefore the reported closed cases were overstated by 22,025 cases, or 68 percent of the total reported. A total of 792 cases were reported as open, but the program had 1,076 open cases at year end.

Closed cases were overstated primarily because 14,398 telephone calls were reported as cases closed, even though the callers were not provided any legal assistance and only partial eligibility determinations were made. Essentially the callers were given the telephone number of a legal service provider that might have been able to help them. An additional 4,700 Private Attorney Involvement closed cases, paid for with non-LSC funds, were reported. LSC reporting requirements allow only cases funded entirely or partially with LSC funds to be reported. Clerical errors added 2,692 to the total reported closed cases. We also estimated that 235 cases were reported twice. Open cases were understated because only cases opened during the year and remaining open at year end were reported instead of all cases remaining open at year end.

Two other problems, not directly related to case counting, were also disclosed during our review. Legal Aid Society of San Diego's automated case management system included over 1,000 cases without a client name. In addition, we estimate about five percent of the cases in the case management system data base had incorrect reason closed codes.

Recommendations to correct the above problems are on page 10.

The Legal Aid Society of San Diego contracted with another non-profit legal service organization to meet its Private Attorney Involvement requirements. This organization did not verify the eligibility of 90 percent of its clients with domestic abuse and voluntary guardianship cases. The Legal Aid Society of San Diego needs to monitor its contractor to ensure that only allowable cases are being serviced. On page 13 we make recommendations to correct the problem.

## **BACKGROUND**

The Legal Aid Society of San Diego is a nonprofit California corporation organized in 1953 to provide legal services to indigent individuals who meet established eligibility guidelines. Its priorities include housing, income maintenance, medical, family, and consumer issues. The grantee is headquartered in San Diego and has a branch office in Oceanside. Its staff includes 19 attorneys, 13 paralegals, and 24 other staff who provide computer, accounting, and administrative support services. In 1997, the grantee received funding totaling about \$3.1 million. About 73.6 percent, or \$2,261,629, came from LSC. The grantee attempts to meet its Private Attorney Involvement requirement primarily through a contract with the San Diego Volunteer Lawyers Program for the provision of family law services.

The grantee is required to prepare and submit an annual Grant Activity Report to LSC on key aspects of its workload. The report includes statistics for basic field services and Private Attorney Involvement programs funded with LSC funds, including the number of open and closed cases, types of cases, and the reasons for closing cases. For calendar year 1997, the grantee reported 792 open cases and 32,304 closed cases to LSC.

The grantee keeps track of client cases primarily through a customized ATurbo≅ case management system operated at both the main office in San Diego and the Oceanside branch office. The San Diego Volunteer Lawyers Program records and tracks client cases in a separate computer system which is also used to produce case statistical reports on Private Attorney Involvement cases.

## **OBJECTIVES, SCOPE, AND METHODOLOGY**

The primary objective of this review was to determine whether the grantee provided LSC with accurate case statistical data in its 1997 Grant Activity Report.

The Office of Inspector General (OIG) performed this audit from August 10 through August 21, 1998, at the grantee's main office and from October 13 through 22, 1998 at the grantee's main office and the subgrantee's office. The OIG obtained and examined the grantee's 1997 and 1998 grant proposals to LSC; 1995, 1996, and 1997 grant activity reports; and 1996 and 1997 Program Integrity certifications. During the on-site visit, the OIG interviewed, and collected information from the grantee's executive director, managing attorneys, staff attorneys, paralegals, intake staff, information system specialist, and other support staff as well as the executive director and staff of the San Diego Volunteer Lawyers Program.

The OIG also obtained and reviewed the data in the grantee's automated case management system to determine if the case statistical data reported to LSC in the Grant Activity Report was consistent with information in client case files and in compliance with applicable LSC reporting requirements. The OIG randomly selected 85 client cases for detailed review. The OIG reviewed client case files for 30 additional cases which appeared to be duplicate cases.

The OIG reviewed the contract between the grantee and the San Diego Volunteer Lawyers Program and related funding transactions. The OIG also obtained and examined data in the San Diego Volunteer Lawyers Program's automated case management system to determine if the case statistical data reported to the grantee for 1997 was consistent with information in client case files and with the information reported by the grantee to LSC for the Private Attorney Involvement program.

We performed this audit in accordance with *Government Auditing Standards* (1994 revision) established by the Comptroller General of the United States and under authority of the Inspector General Act of 1978, as amended and Public Law 105-119, incorporating by reference Public Law 104-134, §509(g).

## **RESULTS OF AUDIT**

### **CASE SERVICE REPORTING**

The 1997 Grant Activity Report submitted by the grantee significantly overstated the cases closed during the year and understated the cases remaining open at year end. Most of the overstatement resulted from the practice of counting and reporting as cases very brief telephone contacts where no legal service was provided and no eligibility checks were performed. Additional overstatements resulted from reporting: (1) non-LSC funded Private Attorney Involvement cases, (2) cases that did not exist, and (3) some duplicate cases. The overstatement was caused by the grantee's failure to follow LSC reporting instructions, clerical errors in Grant Activity Report preparation, and a lack of supervisory review. The understatement of open cases resulted from the incorrect extraction of data from the case management system.

#### **Case Service Reporting Requirements**

LSC requires recipients to submit an annual Grant Activity Report summarizing the previous year's legal services activity wholly or partially supported with LSC funds. The information in the report includes total number of cases worked on, types of legal issues, number of open and closed cases and the reasons cases were closed. The report also includes information on Private Attorney Involvement cases. The Case Service Reporting Handbook and Grant Activity Report instructions provide reporting criteria for cases. Reported cases must be for eligible clients and within the recipient's priorities. Eligibility is based on income and asset determinations and must be documented.

#### **LSC Uses of Grant Activity Report**

LSC uses recipient case statistical information to support the Corporation's annual budget request and as a performance measure in the performance plan submitted in response to the Government Performance and Results Act. The compilation of program-wide data on open and closed cases is an integral part of the management oversight process and also allows LSC management to keep its Board of Directors and the Congress informed of significant program activities and performance. LSC collects and stores summary statistics on open and closed cases in a centralized database at corporate headquarters in Washington, DC. For 1997, the database included data for 269 grantees. It showed that the grantees had 471,600 cases open at year end and had closed 1,461,013 cases during the year.

#### **Use of Automated Case Management System to Prepare Annual Grant Activity Report**

Turbo-Cases is a data processing system that allows the grantee to store, retrieve, and analyze information about client cases and the organization's delivery of legal services. It has been used since 1993 to produce annual case statistical reports for LSC. The grantee used the case records in the ATurbo database to produce reports on open and closed cases. The data from these reports was then manually entered into to the Grant Activity Report system.

In response to the annual reporting requirement, the grantee submitted the following information to LSC.

<b>Type of Legal Problem</b>	<b>Open</b>	<b>Closed</b>
Consumer/Finance	82	1,846
Education	32	105
Employment	0	681
Family	161	14,142
Juvenile	12	148
Health	11	735
Housing	233	5,342
Income Maintenance	175	2,950
Individual Rights	86	1,077
Miscellaneous	<u>0</u>	<u>5,278</u>
<b>Totals</b>	<b><u>792</u></b>	<b><u>32,304</u></b>

The 32,304 cases that the grantee reported as closed included 14,917 referrals to other legal services providers and 4,700 Private Attorney Involvement cases that were handled by the San Diego Volunteer Lawyers Program. Overall, the grantee classified about 94.2 percent (30,426 cases) of the closed cases as brief services and 5.8 percent of them (1,878 cases) as extended services.

### **Examination of Reported Cases**

The grantee overstated closed cases by 22,025 and understated open cases by 284 cases in the 1997 Grant Activity Report. The overstatement occurred primarily because the grantee did not exercise due care, or follow LSC instructions, when preparing the report. The omission of the open cases occurred primarily because the grantee did not retrieve all open cases from the automated case management system.

### **Closed Cases Overstated**

The grantee should have reported 10,279, instead of 32,304, closed cases. The closed cases were significantly overstated because the grantee reported (1) a large number of referrals that should not have been reported as cases, (2) Private Attorney Involvement cases that were not funded by LSC, (3) non-existent cases resulting from clerical errors, and (4) duplicate cases. The following chart shows the number of overstated cases by category.

### **Overstated Closed Cases**

Referrals Without Legal Assessment	14,398	
Non-LSC Funded Private Attorney Involvement	4,700	
Non-Existent Cases		2,692
Duplicates		<u>235</u>
<b>Total</b>		<b><u>22,025</u></b>

The grantee derived the 32,304 closed case figure by combining data from its case management system with data provided by the San Diego Volunteer Lawyers program. The system produced a Case Statistical Report showing 24,912 closed cases of which 14,907 (about 60 percent) were referred after legal assessment cases. The grantee contacted the San Diego Volunteer Lawyers Program by telephone and obtained summary information indicating that 4,700 private Attorney Involvement cases were closed during the year. The combined figures totaled 29,612 cases. A series of clerical errors increased the total number of closed cases reported on the Grant Activity Report to 32,304.

### **Referrals Without Legal Assessment**

The grantee incorrectly reported 14,398 telephone contacts with prospective clients as cases closed. The only service provided during these calls were by the grantee's screeners (non-attorneys and non-paralegals) who gave the callers the phone numbers of other legal service providers in the San Diego area. The screeners obtained the caller's name, address, legal problem and entered the information as cases in the automated case management system. Typically only a few minutes were spent with the caller. The screeners did not ask the caller for specific income and asset information required by 45 CFR 1611.5(b) to determine financial eligibility. The screeners did not suggest to the callers that the grantee would provide any type of legal service other than the phone number of another legal services provider. The screeners, who were not paralegals or attorneys, did not have the legal qualifications necessary to assess the merits of the callers' problems or to classify them as cases. In addition, the grantee did not forward any information collected by screeners about prospective clients to other legal services providers.

The grantee should have categorized the 14,398 telephone contacts as matters, not cases, because the only assistance provided was a telephone number of another legal

services organization. LSC requires that cases be reported only when the individual seeking assistance is eligible under LSC regulations, is accepted as a client, and an attorney/client relationship exists.

### **Non-LSC Funded Private Attorney Involvement Cases**

The grantee incorrectly reported 4,700 Private Attorney Involvement closed cases that were financed with non-LSC funds. The 1997 Grant Activity Report instructions stated that grantees were only to report cases that were fully or partially paid for with LSC funds. The 4,700 Private Attorney Involvement cases were handled by the San Diego Volunteer Lawyers Program under a contract with the grantee to perform family law services. The grantee paid San Diego Volunteer Lawyers Program with funds that were not received from LSC. Therefore, the grantee should not have reported the Private Attorney Involvement cases handled by San Diego Volunteer Lawyers Program.

The grantee's staff asserted that the Private Attorney Involvement case closure statistics were included in the Grant Activity Report primarily because of conflicting LSC instructions. The instructions allow non-LSC funds to pay for Private Attorney Involvement cases and require that Private Attorney Involvement cases be reported, but preclude the reporting of cases not funded by LSC.

The OIG does not agree that the instructions are unclear. Both the Grant Activity Report instructions and the Case Service Reporting Handbook clearly require that only cases wholly or partially funded by LSC be reported. Private Attorney Involvement cases that are financed with non-LSC funds should not be reported. The grantee's staff could have resolved reporting concerns by following the instructions on page one of the Grant Activity Report instruction and contacting the LSC staff listed.

### **Nonexistent Cases**

The grantee incorrectly reported as closed 2,692 cases that did not exist. The grantee's case management system indicated that 29,612 cases were closed during 1997. However, the grantee's Grant Activity Report reported that 32,304 cases were closed. The 2,692 case overstatement occurred because of errors that were made when the case management data was manually entered into the Grant Activity Report system.

The case management system and the Grant Activity Report system are not electronically linked, even though both are automated systems. The case statistics data from the case management system must be entered manually into the Grant Activity Report system. The grantee staff person who entered the data made errors that understated some types of cases by 1,059 and overstated other types of cases by 3,751. This resulted in a net overstatement of 2,692 closed cases. The error was not detected because no supervisor reviewed the Grant Activity Report prior to its submission to LSC

and because the Grant Activity Report data was not verified with the case management system.

### **Duplicate Records**

The reported closed cases were overstated by an estimated 235 duplicate records. In these instances, the grantee recorded, closed, and reported the same case twice.

A "near duplicate" report from the grantee's case management system indicated that the system included duplicate records. These records occur when two or more separate cases are established for a client on the same legal problem. The "near duplicate" report indicated a potential 1410 duplicate closed cases. Our review of a sample of 30 cases showed that 16.7 percent were duplicates. We applied this percentage to the 1410 potential duplicates and estimated that 235 duplicate closed cases were reported.

### **Open Cases Understated**

The grantee under reported open cases by 284 (26 percent) because only cases opened during 1997 and not closed by year end were reported. Cases that were opened in prior years were not reported, even though they remained open at the end of 1997. Some cases that were open at year end, but subsequently closed were also omitted from the Grant Activity Report. Reporting instructions require that all open cases be reported, regardless of the year they were established. The problem occurred because grantee staff incorrectly extracted information on open cases from the case management system.

## **LSC GUIDANCE ON REPORTING**

LSC recently revised and issued a new Case Services Reporting Handbook that addresses many of the problems discussed in this report. This new handbook includes additional requirements and procedures that should improve the accuracy and completeness of data reported in the Grant Activity Report. In addition, new, clearer definitions of case, client, and referred after legal assessment are provided. These definitions should help the grantee improve the accuracy of its future Grant Activity Reports. Most requirements in the revised handbook are applicable to reports due in March of the year 2000. However, two important requirements are applicable to the March 1999 Grant Activity Report. One requires the timely closing of cases and the other requires management review of the Grant Activity Report before it is submitted to LSC. Grantee management should ensure that all staff members who assist in preparing the Grant Activity Report are familiar with the revised handbook and that the new requirements are followed.

## **OTHER CASE MANAGEMENT ISSUES**

Two other problems concerning the grantee's case management system surfaced during the OIG review. Specifically, the case management system did not: (1) include client names for all cases, and (2) always agree with the information in client case files.

### **Cases Without Client Names**

Over 1,000 cases recorded in the management system did not include the client's name. These cases may not be valid LSC cases. Eligibility cannot be verified or a conflict check performed unless potential clients' names are known. Grantee staff suggested that many people wish to remain anonymous and do not provide their names to the screeners.

### **Errors Recording Client Information in Case Management System**

The grantee's automated case management system had a 5 percent error rate. The errors resulted from erroneous reason closed codes. The primary cause of the problem was the staff's lack of familiarity with the definitions in the Grant Activity Report instructions and Case Service Reporting Handbook.

## **CONCLUSIONS**

The grantee needs to improve the accuracy of case statistics reported in the Grant Activity Report. Its 1997 report erroneously included 22,025 closed cases, or approximately 68 percent of the reported total. Open cases were understated by 26 percent. Unless grantee management takes prompt corrective actions, similar errors are likely to occur in

future reports. The problems could be solved through additional supervisory review and oversight of the staff preparing the report and better report preparation procedures.

## **RECOMMENDATIONS**

The OIG recommends that the grantee:

1. Implement procedures providing for the supervisory review over preparation of the Grant Activity Report .
2. Implement procedures to validate the accuracy of the Grant Activity Report before it is submitted to LSC.
3. Implement procedures requiring that a detailed case listing be prepared to support the statistical data on open and closed cases in the Grant Activity Report.
4. Periodically prepare a near duplicate report and purge redundant records from the automated case management system.
5. Implement procedures that require clients to provide their names before a case is opened.
6. Periodically prepare automated case management reports with LSC standard problem types and reason closed codes and circulate to managing attorneys to validate that the information in the automated system matches the information in client case files.

## **SUMMARY OF GRANTEE COMMENTS ON CASE STATISTICS REPORTING**

The grantee's comments did not question the report's significant factual data. The major point of the comments concerned the finding that the number of closed cases reported in the 1997 Grant Activity Report was substantially overstated. The comments stated that the grantee had "... independently determined the stated errors ... adjusted our figures... and ...implemented changes in our procedures to no longer count telephone referrals as closed cases". The comments stated that this information was provided to the OIG in an August 3, 1998, letter prior to the start of the audit.

The comments also:

1. disagreed with the report's statement that " ... no eligibility determinations were made..." for callers who were not provided legal assistance. The comments stated that basic eligibility determinations were made for each caller (gross family income and number in household).

2. questioned the appropriateness of the statistical sample used to estimate that 282 cases were reported twice. The grantee agreed that five duplicate cases were found.
3. questioned the use of the term “cases” to describe the records in the data base that lacked names. According to the grantee, the records lacking names were for referred callers. Therefore, “ Since ...referrals are not allowed to be reported or termed “cases” ... they ... cannot be identified as “cases for this comment”.
4. asserted that the reported percentage of errors in the data base due to incorrect problem type or reason closed codes was incorrect because only one case might have been in error and that one case did not result in a substantial error rate.

The comments stated that the recommendations were discussed in the grantee's August 3, 1998 letter to the OIG and that the recommendations were being implemented.

The grantee's comments are in Appendix 2.

### **OIG RESPONSE TO GRANTEE COMMENTS**

The grantee's August 3, 1998 letter did indicate problems with case counting and reporting of referrals after assessment. However, the letter stated that the total number of reported closed cases should have been 25,208, substantially more than the approximately 10,279 cases that we estimated were actually closed during the year. The grantee made no effort to correct the reporting until our audit was well underway. Its 1997 Grant Activity Report was not amended to report 10,208 closed cases until January 9, 1999. Clearly, the OIG audit resulted in the grantee more accurately reporting closed cases.

Response to other grantee comments:

1. eligibility determinations – The OIG changed the report to indicate that partial eligibility determinations were made when individuals called seeking legal assistance and were referred to other legal service organizations.
2. statistical sample for duplicates – The OIG sample was valid. The grantee agreed that five cases were duplicates. We accepted the grantee's statement that there were five duplicate cases and adjusted our estimate of total duplicates in the case management system from 282 to 235.
3. use of the term cases applied to records that did not include client names – The grantee reported brief telephone calls as cases in its Grant Activity Report. Therefore, the use of the term is appropriate to describe records that did not include names.

4. percentage of errors in the data base – We reviewed our work papers and confirmed that four records were erroneous. We deleted the reference to incorrect problem type and adjusted the error rate to about five percent.

The grantee's August 3, 1998 letter does not clearly define the corrective action that was being taken. We affirm our recommendations. A corrective action plan for implementing the recommendations, including dates for completion of corrective action, should be submitted to the OIG within 30 days of the date of this report.

## **MANAGEMENT OF PRIVATE ATTORNEY INVOLVEMENT PROGRAM**

LSC requires that its grant recipients spend at least 12.5 percent of their basic field grant award to involve private attorneys in providing legal assistance to eligible clients. The grantee contracted with the San Diego Volunteer Lawyers Program to meet most of its Private Attorney Involvement requirement. The grantee paid the San Diego Volunteer Lawyers Program about \$217,000 in 1997 to provide family law services to 4,500 clients. The grantee did not adequately manage its Private Attorney Involvement Program and has no assurance that the San Diego Volunteer Lawyers Program served only LSC eligible clients with these funds.

About 90 percent of the cases the San Diego Volunteer Lawyers Program handled under the Private Attorney Involvement program were domestic violence or voluntary guardianship cases. The San Diego Volunteer Lawyers Program did not determine if clients with guardianship cases met LSC citizenship or resident alien requirements. Income eligibility was not verified for clients with domestic violence cases. The San Diego Volunteer Lawyers Program staff told us they assumed that potential clients with domestic violence or voluntary guardianship cases were eligible for LSC services because they were eligible for services under California law.

The grantee does not have a Private Attorney Involvement program meeting LSC requirements because its contractor does not make eligibility determinations for the vast majority of clients. There is a high probability that many ineligible clients are being provided legal services. This flaw is relatively easy to correct. The contract between the grantee and the San Diego Volunteer Lawyers Program requires the latter to comply with the grantee's policies and procedures. In accordance with this provision, the grantee should direct the San Diego Volunteer Lawyers Program to make eligibility determinations for all prospective clients. Later the grantee should review a sample of case files to determine if San Diego Volunteer Lawyers Program made the required eligibility determinations.

In addition to the eligibility determination problems, the San Diego Volunteer Lawyers Program did not accurately report the number of cases closed. The San Diego

Volunteer Lawyers Program reported to the grantee that it closed 4,794 cases in 1997. A detailed case listing produced by the San Diego Volunteer Lawyers Program showed that 5,889 cases were closed during the year. However, this number was significantly overstated. Two causes of the overstatement were that the San Diego Volunteer Lawyers Program counted as clients *both parties* in domestic dispute cases and, in non-domestic cases, individuals whose income may have exceeded LSC limits. There were no indications that the Program represented both parties in domestic cases. The Program did not have documentation for the closed cases that it reported to the grantee. The San Diego Volunteer Lawyers Program attributed the problem to a misunderstanding of reporting requirements.

The San Diego Volunteer Lawyers Program's Board of Directors recently approved the purchase of a new case management system and adopted new policies and procedures designed to correct these problems. The grantee needs to verify that the actions have corrected the problems.

## **RECOMMENDATIONS**

We recommend that the grantee:

7. Require the San Diego Volunteer Lawyers Program to perform eligibility checks for all grantee funded cases.
8. Implement procedures for periodically reviewing case files to determine if the San Diego Volunteer Lawyers Program made the eligibility determinations.
9. Require the San Diego Volunteer Lawyers Program to submit a detailed listing supporting the number of cases handled under its contract with the grantee.
10. Implement procedures for reviewing the detailed listing to ensure it accurately reflects the cases handled.

## **SUMMARY OF GRANTEE COMMENTS ON PRIVATE ATTORNEY INVOLVEMENT PROGRAM FINDINGS**

The grantee's comments confirmed our finding that eligibility checks were not performed for domestic violence and guardianship cases. However, they disagreed with the report finding that it did not adequately manage its Private Attorney Involvement program. The comments stated that the grantee:

- (1) has its Executive Director and a member of its Board of Directors actively participate as members of the governing body of the San Diego Volunteer Lawyers Program,

- (2) entered into a sub-grant agreement with the San Diego Volunteer Lawyers Program detailing their respective responsibilities, and
- (3) conducted periodic reviews of Case Statistics Reports submitted by the San Diego Volunteer Lawyers Program.

The comments also disputed the report's statement that both parties in domestic dispute cases were counted in reporting closed cases statistics.

The grantee stated that the recommendations had already been implemented and would continue to be reviewed.

### **OIG RESPONSE TO GRANTEE COMMENTS**

The following addresses the grantee's comments:

1. We recognize that the grantee's Executive Director and a Board member serve on the Board of the San Diego Volunteer lawyers Program. Serving on the Board does not in itself ensure that LSC requirements are met.
2. The grantee has a comprehensive sub-grant agreement with the San Diego Volunteer Lawyers program. However, the agreement is not followed. We found no evidence that the required reporting was done or that eligibility checks were performed.
3. We found no evidence to support the comment that the grantee reviewed Case Statistics Reports prepared by the San Diego Volunteer Lawyers program. The grantee did not have a report on Private Attorney Involvement cases from the San Diego Volunteer Lawyers program. The Private Attorney Involvement data for the Grant Activity report was provided over the telephone by the San Diego Volunteer Lawyers program and was not supported by a detailed list of clients.

We reviewed the work papers documenting the sample cases from the San Diego Volunteer Lawyers Program. In a sample of 85 cases, 6 cases were closed when the program discovered it was already representing one of the two parties in a domestic dispute case. In these cases we did not find any indication that the program represented both parties in the dispute. However, both parties were counted as closed cases. We made minor editorial changes to make this report section clearer.

The grantee's comments indicated that the recommendations to improve the Private Attorney Involvement Program had been implemented. However the information presented indicated that implementation was still in process. Therefore, a corrective

action plan for implementing the recommendations, including dates for completing the actions, is required within 30 days of the date of this report.

**LISTING OF FINDINGS AND ASSOCIATED RECOMMENDATIONS**

**Findings:**

1. Closed cases were significantly overstated (page 6).  
Recommendations #1-4
2. Open cases were understated (page 8).  
Recommendations #1-4
3. Some cases did not have client names (page 9).  
Recommendation #5
4. Errors were made in recording client data in the case management system (page 9).  
Recommendation #6
5. Private Attorney Involvement Program was not adequately managed (page 12).  
Recommendations #7-10

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February 23, 1999

E. R. Quatrevaux, Inspector General  
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**RE: YOUR DRAFT REPORT ON THE RESULTS OF YOUR RECENT AUDIT OF  
LASSD**

Dear Mr. Quatrevaux:

Thank you for providing me with a draft report and soliciting my comments regarding the recent audit of our program by your office. Additionally, I wish to further thank you for your generous response to my need to extend the time to respond to the draft report.

**EXECUTIVE SUMMARY - (Page 1)**

The first paragraph of your summary implies that the overstatement of the number of cases closed during the year was somehow determined by your office's audit ("the audit"). The summary omits the fact that we had independently determined the stated errors and written to your office on August 3, 1998, stating the discrepancies. Moreover, in my pre-audit correspondence, I stated that our program had adjusted our figures, and that we had implemented changes in our procedures to no longer count telephone referrals as closed cases. Please see my letter of August 3, 1998, attached hereto as Exhibit 1.

The first sentence of the second paragraph states that "no eligibility determinations were made . . ." for callers who were not provided legal assistance. That is patently untrue. Basic eligibility information was collected on each caller (gross family income, number in household). The eligibility information and format for collecting that information were demonstrated to the auditors. This information was used to determine whether the caller would receive a referral. Since we knew from the nature of these calls that the callers would be referred, we did not subject them to questioning about the augmentation/diminution of income factors. However, it is not a fair characterization to say that "no" eligibility determinations were made.

The third sentence of the second paragraph of the Executive Summary indicates that 4,700 private attorney involvement closed cases were reported which were not paid for with LSC funding. Again, this disclosure was made, along with an explanation, prior to the audit. As stated in Exhibit 1, the LSC website and instructions for use thereof, at the time of the reporting requirements, set forth conflicting instructions. It required the reporting of private attorney involvement cases in one instruction, and stated that non-LSC funded cases should not be reported in another section. Finally, we noted that the website would not allow for placing a "0" in the appropriate fields and would not allow us to "submit" our report without inputting the statistics.

The next sentence of the Executive Summary specifies that clerical errors were made. Again, these errors were noted in my pre-audit report to your office. In that report, I acknowledged the problem, planned corrective action and stated that adjustments had been made.

The next sentence states that you estimate 282 cases were reported twice. We do not believe an appropriate statistical sample was extracted regarding alleged duplicate cases. Only twelve instances were reviewed. We did agree that approximately five duplicate cases were found. However, a case-by-case analysis would be required to determine if there were more than those five cases. This is because the audit instructions for that data run required a report of all cases where the last name of the client was repeated in the report year. Needless to say, there are large numbers of non-duplicate cases with common surnames (e.g., Smith, Martinez, etc.). Finally, we have contracted with Kemp's Case Works to install a new software data management system which will produce reports on potential duplicate cases. We suggest that any estimates regarding double reporting of cases be withheld pending a case-by-case review, or evaluation of our new system once Kemp's is installed.

You unfairly state, in the second sentence of the third paragraph, that we failed to include client names in over 1,000 cases. These 1,000 cases were the "referred after legal assessment" callers described at the beginning of paragraph two of the Executive Summary. Since these referrals are not allowed to be reported or termed "cases", according to your own instructions, they certainly cannot be identified as "cases" for this comment. That would be a logical inconsistency.

The use of twelve cases as a sampling to determine the percentage of incorrect problem type or reason closed codes is statistically inappropriate on a database of 32,000 reported cases, or even 10,232 actual cases. We object to a determination that because five out of twelve cases examined had an error that a projected 1,200 incorrect closing or reason closed codes can be expected.

#### BACKGROUND - (Page 2)

Second paragraph states that LASSD is required to report, in its Grant Activity Report, "statistics

for . . . Private Attorney Involvement Programs *funded with LSC funds* . . . " (emphasis added). That statement is not exactly indicative of the reporting format. The report requires statistics from private attorney involvement programs. A separate section states not to report cases unless funded with LSC funds. However, the two requirements seemed to be mutually exclusive and of equal weight. The instructions were not written as set forth in this background statement. In actuality, it seems LSC reporting instructions assumed that all PAI activities would be LSC funded.

#### OBJECTIVES, SCOPE, AND METHODOLOGY - (Page 3)

The last line of the third paragraph states that client case files were reviewed which "appeared to be duplicate cases." This statement does not set forth the criteria which were used to determine what cases "appeared" to be "duplicate" cases. It is our contention that the methodology used was at best, obliquely related to potentially duplicate cases. Name and problem code correlation (as used in the audit), are insufficient to make the required determination. Since our program does not use a Social Security Number or other unique identifier, the use of a surname as an identifier is flawed at best. There is no way to determine that the names are from the same individual without examining each file. Moreover, LSC problem codes are general in nature and can easily apply to more than one unique fact pattern within the same general area of that problem code.

Additionally, a sampling of thirty cases from more than 10,000 would seem to be an insufficient statistical sampling for purposes of projecting an error rate over the entire 10,000 cases.

#### RESULTS - (Page 4)

The first paragraph, second sentence of page 4 repeats the incorrect information set forth in the Executive Summary that no eligibility checks were performed by our office on brief telephone contacts. Please refer to the Executive Summary. The next sentence restates issues already discussed: overstatements from non-LSC PAI cases, cases that did not exist, and duplicate cases. I incorporate herein by reference my comments regarding the inconsistent and ambiguous LSC instructions regarding reporting of PAI cases.

The assertion that we reported cases that did not exist is inaccurate. As stated in comments to the Executive Summary, there were no "cases" without names. There were only, to use your words, "very brief telephone contacts where no legal service was provided" where callers refused to give their name at the time of the referral. Since you have determined that these were not "cases" and could not be counted in our case activity report, it is both unfair and inconsistent to identify these matters as "cases that did not exist."

The duplicate case issue has been discussed twice before in these comments, and suffice it to say only that the sampling was insufficient, did not use variables which would determine which cases were in fact duplicate, and the results of the sampling are disputed.

Finally, the first paragraph again sets forth contentions regarding our failure to follow LSC reporting instructions, clerical errors and the lack of supervisory review. All of these items were detected and reported to your offices prior to the audit. I find it incongruous that we now are told that the "results of the audit" determined the information which I provided to you prior to the audit. It is interesting to note that it took 45 days (315 person work hours) of auditing activity at our program by OIG, to detect those problems which I had identified in writing to your office prior to the visit.

#### EXAMINATION OF REPORTED CASES - (Page 5)

Please see prior comments regarding LSC instructions on reporting and entry of data into the website.

#### CLOSED CASES OVERSTATED - (Page 6)

Please see prior comments regarding referrals reported as cases, PAI, clerical errors, and duplicates.

#### REFERRALS WITHOUT LEGAL ASSESSMENT - (Page 6)

The third sentence states that the screeners obtained "the caller's name, address, legal problem . . ." The screeners also obtained the gross family income and number of household members. This information was used to determine client eligibility. The data fields for this information were demonstrated to the auditors. While the financial information was not saved, it must be input into the computer by the screener in order for the referral to be recorded. Ineligible clients would be automatically rejected by the computer.

The audit states: "the screeners did not suggest to the callers that the grantee would provide any type of legal service other than the phone number." This is incorrect. Screeners provide simple information such as calculating the amount of time a person has to respond to a notice or a summons, reviewing information provided by the caller to determine the type of problem the caller has and what referral service would best be able to handle that problem, and advise callers on interim steps that need to be taken to maintain the status quo until they can obtain help from the referral agency.

Of course, I reported the telephone contacts to your office prior to the audit as set forth above.

NON-LSC FUNDED PRIVATE ATTORNEY INVOLVEMENT CASES - (Page 7)

Please see comments above regarding the use of the LSC web site and conflicting instructions for reporting private attorney involvement cases and cases funded or not funded by LSC. Clearly, your report's statement that my staff needed to contact the LSC staff to answer this dilemma demonstrates the inadequacy of the reporting system and instructions which were in place.

Ted Ferris of LSC has indicated to me that he recalls that my office did contact LSC to get clarification but that the final outcome was left unclear.

Note that as a result of these problems, the new revised 1999 handbook now requires that starting next year non-LSC funded cases will be reported. Since PAI has always been an LSC requirement placed upon our program resources, we have always felt that it was important to err on the side of disclosure rather than non-disclosure, in order to verify that in fact we were complying with PAI directives.

NON-EXISTENT CASES - (Page 7)

This information was provided to you prior to the auditor's visit.

DUPLICATE RECORDS - (Page 8)

Please see prior comments under Executive Summary and under page 4 "Results of Audit."

Since LASSD does not utilize a unique client identifier (such as Social Security Number), a near duplicate report is problematic at best. Different clients with the same last name could be and were included as duplicate files. Therefore, we have no way of knowing whether or not the "potential duplicates" were of the same category as the "actual duplicates" that were found. To multiply the "potential duplicates" by the percentage of actual duplicates is inconsistent and statistically inaccurate. Moreover, we disputed the number of duplicate cases that were found. I discussed the duplicate cases, one-by-one, with the auditors. In my opinion, there were five duplicate files. The auditors were not trained in legal analysis and, in my opinion, were unable to understand differences in legal issues which required representation of the same client in different arenas for factual differences within the overarching problem code.

We would agree that five of 705 potential duplicates were duplicate cases. We would require a review of all of the other potential duplicate files in order to make an accurate determination beyond that number.

Since we ran a near duplicate report which was based upon the last name of the individual and the

same or a different problem code that closed within the reporting year, it is clear that there is a huge potential for error in even determining which files were potentially duplicate. In order to verify the extrapolation or projection of the figures for duplicate client files, the auditors would have to do a test for contamination of the data. As previously stated, this is because there is no single client identifier such as a Social Security Number to differentiate between different clients with the same last name.

#### LSC GUIDANCE ON REPORTING - (Page 9)

The next to the last sentence of this statement indicates that there was an issue regarding the timely closing of cases. This issue is not raised anywhere else in the report. This statement needs to be clarified as it does not seem applicable and insinuates a problem which was not raised anywhere else by OIG.

Note that the two important requirements indicated are applicable to the *March 1999, Grant Activity Report*. This would apply to the data for the 1998 year. The OIG audit related to our 1997 Grant Activity Report. What is the relevance?

#### OTHER CASE MANAGEMENT ISSUES - (Page 9)

##### CASES WITHOUT NAMES - (Page 9)

The 1,000 "cases" [sic] that did not include the client's name were not cases. These 1,000 items were part of the 14,917 referrals. We have been criticized for including the referrals in our report, since they were not cases. It seems inconsistent to subsequently identify the 1,000 referrals without client names as "cases" and make this a reporting issue. The 1,000 cases without a client name are not to be reported and thus whether they have a name or not is irrelevant.

#### ERRORS RECORDING CLIENT INFORMATION AND CASE MANAGEMENT SYSTEM - (Page 9)

We disagree that the automated Case Management System had a 12.5% error rate. The errors alleged were of two varieties: Problem codes and reason closed codes. The combination of two different sets of activities into one error rate and extrapolation of that data into a percentage of an overall error rate cannot be substantiated statistically.

The auditors alleged one "case" with an incorrect problem code. That was not a case, but was a referral after brief telephone contact (one of the 14,917 "RA" items that you state should not have been reported). Therefore, the error occurred outside of the database which was subject to

review. There were no determined problem code errors in the 10,232 cases which OIG states were actually closed during the year.

The remaining four alleged errors regarded improper closing codes. I reviewed the four files that allegedly had improper closing codes. One was referred after legal assessment because the legal worker did not undertake to represent the client. There was no problem with that closing code. The second case was referred after legal assessment because a review of the client's information by the legal worker showed that there was colorable claim but that a private attorney would probably be able to handle the case. The third case was closed as negotiated settlement with litigation. This was an unlawful detainer case and the closing code was correct. The last case was closed under the code "CW" that is, that the client withdrew during representation. This case was a close call. We did analyze the client's situation and advise her regarding her situation. Our advice was that she withdraw from a hearing before an administrative law judge. The client did withdraw from the hearing. We did not represent the client. Arguably this should have been closed as an advice only case.

Therefore, I would state that we found one possible error in the forty cases that were reviewed. I believe that such an error rate could be considered an anomaly, and it is clear that further testing would have to occur before there would be a substantial correlation to determine if the sample was large enough and indicative enough of actual practices to be extrapolated over 10,000 cases.

At this point, we do not believe there were sufficient errors to create any substantial error rate, let alone one of 12.5%.

#### RECOMMENDATIONS - (Page 10)

Nearly all of the recommendations set forth in the OIG draft report were discussed in my letter to the OIG prior to the audit visit.

1. Implement procedures for supervisory review over preparation of the Grant Activity Report have been implemented.

Procedures for supervisory review over preparation of the Grant Activity report have been implemented. In fact, it is clear from my letter of August 3, 1998, that supervisory review had taken place and in fact resulted in a revision of the data previously supplied to LSC.

2. Implement procedures to validate the accuracy of the Grant Activity Report before it is submitted to LSC.

Again, my letter of August 3, 1998, in and of itself, is an indicator that those validation procedures have been implemented. They obviously were implemented after the submission of the 1997 data and are in place for submission of the 1998 data.

3. Implement procedures requiring that a detailed case listing be prepared to support the statistical data on open and closed cases in the Grant Activity Report.

Detailed case listings to support the statistical data were run prior to the audit visit. That procedure is continuing.

4. Periodically prepare a "near duplicate" report and purge redundant records from the automated case management system.

We are preparing near duplicate reports and purging redundant records, although we have found very few.

5. Implement procedures that require clients to provide their names before a case is opened.

We have always required clients to provide names before a case is opened. No client file has ever been opened without a name. This alleged anomaly existed only in the "RA" data which was not reportable as a case.

6. Periodically prepare automated case management reports with LSC standard problem types and reason closed codes and circulate to managing attorneys to validate that the information in the automated system matches the information in client case files.

We are currently preparing and have prepared automated case managements reports and have circulated them to managing attorneys for validation.

#### MANAGEMENT OF PAI PROGRAM - (Pages 10 and 11)

Your report indicates in the first paragraph under this section that "the grantee did not adequately manage its PAI program and has no assurance that the San Diego Volunteer Program served only LSC eligible clients with these funds."

This state is false and misleading and we hereby categorically deny its assertions.

First of all, as we explained to the OIG on-site auditors, the Executive Director and one Board member of LASSD actively participate as members of SDVLP's governing body. In addition, we

E. R. Quatrevaux  
February 23, 1999  
Page 9 of 9

have a sub-grant agreement with SDVLP which details their responsibilities for representing eligible clients and submitting regular CSR reports along with our responsibility for oversight. This document was shown to the on-site OIG auditors.

Finally, periodic review of the CSR reports from SDVLP was conducted by LASSD and continues. It is also worthy to note that all clients referred to our PAI in-court domestic violence and guardianship clinic have already been deemed by the court to be below federal poverty guidelines for purposes of court fee waivers.

With regard to the PAI Program Recommendations set forth on page 12 of your report, our simple and straightforward answer to all four of these recommendations is that they already have been implemented and will continue to be reviewed. Nevertheless, I have attached for your edification and review, as Exhibit 2, three pages of responses to your recommendations and comments from our PAI program. I hereby incorporate our PAI program's response herein by reference.

I sincerely hope that our comments will be helpful to you in completing a more accurate final report. I want to thank you and your staff for your office's cooperation and assistance throughout this laborious and expensive ordeal.

Thank you for your assurances that this entire response (with exhibits) will be permanently affixed to each and every copy of the final report. If I can provide you with any further information, please do not hesitate to contact me.

Very truly yours,

  
Gregory E. Knoll Esq.  
Executive Director/Chief Counsel

gek/aha

Attachments

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GREGORY E. KNOLL, ESQ.  
Executive Director/Chief Counsel

August 3, 1998

Mr. Fred Gedrich  
Office of the Inspector General  
Legal Services Corporation  
750 1<sup>st</sup> Street, NE 10<sup>th</sup> Floor  
Washington, D.C. 20002-4250

Re: OIG Audit Scheduled for August 10-23, 1998

Dear Mr. Gedrich:

This letter is sent to your attention in response to the preaudit visit letter dated July 16, 1998, from Leonard Koczur of your office. Please note that although the letter is dated July 16, 1998, and was faxed to our offices on July 17, 1998, I did not actually review either the fax copy or the original of the letter until Monday, July 20, 1998. In addition, I also received an e-mail from you dated Thursday, July 16, 1998. This e-mail was not read either until Monday, July 20, 1998.

As I explained in one or more of our recent telephone conversations, these communications were put off to the side while we worked diligently on submitting our LSC RFP competitive bid by the due date of July 22, 1998. Immediately after submission of our LSC RFP competitive bid response, we had to shift gears and prepare a response to a County of San Diego RFP which, if we are the successful bidder, will bring in approximately three million dollars additional resources to our program over the next five years for consumer health related advocacy and community education services. Our bid on this RFP was due July 29, 1998.

I want to take this opportunity to thank you for your patience in allowing us to take care of our funding responsibilities before getting to work on providing you and your office with the information you requested. Enclosed you will find our current staff roster with notations regarding the availability of myself and all program attorneys, paralegals, intake specialists, etc. during the audit. Please note that our "Information System Specialist," will be in our office and at your disposal on Monday and Tuesday, August 10 and 11, 1998. He works for us on a part time contractual basis so his availability will be limited over the two-week period. He will be available on August 10 and 11 to run any reports you or your co-workers request but after the 11<sup>th</sup>, his availability will be subject to 36 to 48 hours notice.

1 EXHIBIT 1

We have also included our employee binder of related policies and procedures as well as the notebook used by all our intake specialists. This may be more information than you requested but it should give you a good picture of our program and our policies and procedures relating to everything from eligibility to case management.

With regard to your request for comprehensive open and closed listings of client cases information from 1997, that complete listing is enclosed as well. However, some explanation and clarification is required.

First of all, we are not sure where the 1997 closed cases figure of 32,304 cases noted in Mr. Koczur's letter came from. This amount of closed cases matches neither the total we believe we entered on the website for LSC in March, nor the actual total in our system.

While our internal recording and tracking of cases are extremely accurate, we have had problems with the web base data entry system created by LSC for reporting grant activity. In addition, we have had problems reconciling their seemingly inconsistent instructions with regard to reporting both PAI cases and cases that were "referred after assessment."

We reported Private Attorney Involvement (PAI) cases with our cases on the G-3(a) form. We also reported PAI cases on the G-3(d) form.

Instructions on form G-3(a) state: "Please include cases closed by private attorneys in this form. Please also complete a separate form G-3(d) for cases closed by private attorneys. We did this.

On form G-3(d) the instructions indicate: "Please also include cases closed by private attorneys in form G-3(a)/Basic Field/General." We complied with this instruction as well.

Each form also states: "This form should include only cases supported in whole or in part by LSC funds." We did not comply with this instruction. Had we only included cases supported in whole or in part by LSC funds, we would have been unable to report any numbers for our PAI component. Therefore, given conflicting instructions and the desire to substantiate our PAI work, we chose to report PAI statistics with our own statistics and on the separate PAI form. In addition, it should be noted that it is impossible to report "0" for PAI cases because LSC's web base data entry system rejects any attempt to submit the PAI case activity form with only 0s entered.

We do not fund any of our PAI activities with LSC funding. As our annual audit indicates, we clearly meet our obligation to spend an amount equal to 12.5% of our LSC funding on PAI activities. However, we set aside non-LSC funds for this purpose. The vast majority of our PAI activities are conducted by our San Diego County Bar sponsored PAI component, the San

Diego Volunteer Lawyer Program. We provide a substantial sub-grant of non-LSC funds to our PAI component so that no restrictions or requirements from LSC will be passed on to that separate non-profit entity.

The total number of cases closed by our program should have been reported as 25, 208. A complete alphabetical listing of those cases for 1997 is enclosed pursuant to your request.

Please be advised that the above number includes approximately 5,000 family law referrals which were likely made directly to our PAI subcontractor. The number of family law referrals noted on our 1997 grant activity report appears to be 9,089. This number is incorrect because our data entry person made an error when she added our program's family law referrals of 4,925 to the family law referrals of our subcontractor which should have been 416 , she added the number 4,164 thus giving an erroneous total of 9,089. In addition, that same data entry person entered the PAI total case closing of 4,700 (a number she inexplicably rounded down to from the actual figure submitted by our contractor of 4,794) twice. Thereby overstating our combined basic field and PAI by at least 4,700 closed cases.

Out of the 25, 208 total closed cases for 1997, 14,917 of those were "referred after assessment." This means that approximately 59% of the total closed cases were "referred after assessment" as opposed to the 74% figure you stated in your e-mail to me on July 16, 1998. This relatively high number of "referred after assessment" statistics is actually due to instructions we received from an LSC auditing/monitoring team sometime ago. At that time we were not counting any statistics for referrals at all. The LSC folks told us specifically that our software should be adapted to capture all eligible client contacts. Based upon instructions, we modified our system to capture all of the statistics and began reporting them as instructed.

It was not until May 1998 when we received the new CSR Handbook from LSC that we noted the small footnote on the front page of the Handbook which stated that "referred after assesment" statistics should now only be counted when the referral was made by the legal worker after opening a case or performing some brief service or advice. This is completely contrary to the instructions previously received from LSC. However, we have now adjusted our instructions to staff to conform to this new interpretation/instruction.

Nonetheless, the 1997 data was collected and reported without the benefit of this new instruction. It therefore relied upon previous advice from LSC regarding our data collection system and included all client eligible contacts to our office in which clients received information and referral. As can be seen from the data, thousands upon thousands of people call us whom we are unable to assist. However, we ensure that all of these people at least receive some information and referral to other organizations. We have always reported this information to LSC in order to substantiate the volume of client eligible contact we

receive from our various client communities.

In addition to the 1997 closed cases listing, we have also enclosed a complete alphabetical listing of the 1,076 cases that remained open as of 12/31/97. This number is substantially higher than the number reported in the 1997 case activity form and does not include the 100 or so cases open as of 12/31/97 with our PAI subcontractor.

Finally, I feel compelled to respond and clarify an issue raised in your July 16, 1998 E-mail to my attention. In the last sentence of the second paragraph you noted: "By the way, your offer to possibly get her some good training instruction is appreciated but cannot be accepted". As you may recall I asked you about this particular sentence when you telephoned me on July 30, 1998. I was concerned because that sentence somewhat out of context and dropped into the message "out of the blue" might lead someone who read it and who was not privy to our phone conversation on the subject to believe that I might have been inappropriately offering you something of value. As you will recall, during one of our telephone conversations, you indicated your pride in your daughter's accomplishments as a track athlete. You also indicated that since you will be visiting "America's Finest City" during the summer that you might bring your daughter with you on the trip. In that same conversation I simply reminded you that the new International Olympic Training facility had recently opened here in San Diego. The sum total of my offer at the time was simply to provide you and your daughter with directions as to how to get to that facility. This was so she could use that facility while you were busy here at our program during the day. I believe that that facility is, and rightly ought to be, open to the public and certainly open to any amateur athlete who would desire to make limited use of the facilities. I hope this clarifies for both you and anyone else at OIG what in fact had transpired between us.

As I indicated during our last telephone conversation, I appreciate you not requiring me to mail this letter and the massive amount of enclosures to your attention in Washington, D.C., but rather allowing one of your local San Diego contractors to pick up the packaged materials. I spoke with one of the contractors earlier today and she indicated that she will be picking up the materials tomorrow morning at 9:00 a.m.

Thank you very much for your cooperation throughout this process. We look forward to your visit and we hope it will be a productive one not only for LSC but for our program as well.

Very truly yours,

**COPY**

GREGORY E. KNOLL, ESQ.  
Executive Director/Chief Counsel

**Office of the Inspector General of the Legal Services Corporation's Recommendations Relating to SDVLP's Legal Aid Funded Cases and the LASSD/SDVLP Response**

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- ▶ **Recommendation 7: Require the San Diego Volunteer Lawyer Program to perform eligibility checks for all grantee funded cases.**

**Response**

- ▶ **Financial Eligibility Determination**

SDVLP does perform financial eligibility checks on all grantee funded cases with the exception of its domestic violence caseload. Under California Family Code Section 6222, court filing fees are waived for a petition to obtain a domestic violence restraining order or one seeking the modification or enforcement of a protective order filed in a domestic violence proceeding. SDVLP operates its Domestic Violence Prevention Project pursuant to these provisions. In coordination with the San Diego Superior Court, SDVLP assists victims of domestic violence who come to the courthouse in completing and filing the applications and declarations for domestic violence restraining orders. Inquiries regarding financial status are not imposed to ensure all domestic violence victims coming to the courthouse for emergency protective relief receive help without delay and to ensure these clients are processed in time to attend their specially calendared hearings.

In addition, with the California Legislature's and the U. S. Congress' emphasis on serving victims of domestic violence and with LSC's emphasis on court-sited *pro se* clinics, it seems illogical to impose this requirement on a PAI program using non-LSC state funds for victims of domestic violence seeking emergency protection in a courthouse setting. In fact, one of the OIG auditors conducted a site visit to SDVLP's downtown court domestic violence clinic and remarked how impressed she was with the organization and effectiveness of this service. Last year, this caseload totaled more than 3000 clients. To implement a full eligibility assessment on all individuals needing immediate legal protection would not only be inconsistent with the California Code, but would likely delay processing of their applications and potentially jeopardize their physical safety. These delays would, in turn, significantly restrict SDVLP's ability to serve such a large number of clients requesting assistance in a high volume court clinic.

It should be noted that, in contrast to the OIG's unsupported assumption that many ineligible clients are being provided services, it has been SDVLP's experience that of the applications for domestic violence restraining orders filed *in pro se* in San Diego County, the vast majority of these applicants are indigent or working poor as defined by federal statutes.

- **Determination of Citizenship or Resident Alien Status**

It was SDVLP's understanding that immigrant victims of domestic violence were specifically exempted from the restrictions relating to serving aliens under the Kennedy amendments. If that is the case, verifying citizenship or legal resident status for these clients is simply a time-consuming exercise without any purpose and violates at least the spirit of the amendments. In the guardianship clinic, grandparents and other relative petitioners are also being assisted as *pro se* clients. They are not represented in court, but are simply assisted in accurately completing the guardianship applications and court documents. These are stable and responsible relatives who are seeking the care and custody of children who are being or have been neglected and abused. There is no legal issue involving an immigration matter, there is no in-court representation and the intended beneficiary of the service are the children in need of safe and healthy care. The clients are referred from the Probate Court and from the County Department of Social Services. Notwithstanding these facts, revisions in the SDVLP intake forms have been made to require information on the legal status of these service applicants.

- **Recommendation 8: Implement procedures for periodically reviewing case files to determine if the San Diego Volunteer Lawyer Program made the eligibility determinations.**

**Response**

LASSD will conduct annual reviews utilizing the audit methods similar to those employed by the OIG to confirm SDVLP's compliance with the LSC eligibility requirements.

- **Recommendation 9: Require the San Diego Volunteer Lawyer Program to submit a detailed listing supporting the number of cases handled under its contract with the grantee.**

**Response**

SDVLP has purchased and is installing the Kemp's Case Works Clients 98 for Windows Software Program recommended by the OIG inspector and designed to generate a variety of statistical reports in formats required by LSC and other government funding sources. SDVLP will be required to provide LASSD with periodic reports generated by the Kemp Program of case files handled through its contract.

- ▶ **Recommendation 10:** Implement procedures for reviewing the detailed listing to ensure it accurately reflects the cases handled.

**Response**

LASSD will compare the listing of case numbers with the total number of cases reported on a periodic basis.

- ▶ **Other Issues**

The OIG draft report incorrectly states that SDVLP “overstated” its closed caseload statistics by “routinely” counting as clients both parties in a domestic violence dispute cases. This assertion is categorically false. While SDVLP includes the name of the opposing party in its the automated case file, only the client is assigned a file number and counted in statistical compilations associated with the domestic violence caseload. The draft report also alleges that SDVLP reported as PAI clients “non-domestic cases” involving individuals whose incomes exceeded LSC limits. In fact, SDVLP’s PAI services are exclusively domestic or “family law” cases as defined by LSC. We strongly urge that these incorrect assertions be stricken from the report.

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February 5, 1999

E.R. Quatrevaux, Inspector General  
Legal Services Corporation  
750 1<sup>st</sup> Street, N.E. 10<sup>th</sup> Floor  
Washington, D.C. 20002-4250

SENT VIA FACSIMILE

RE: YOUR REQUEST FOR REVIEW AND COMMENT ON DRAFT REPORT

Dear Ed:

On January 29, 1999 I received your office's draft report dated January 28, 1999 regarding the results of the two audit trips to our program.

Your letter requested that we provide you with our comments "within ten days of the date of this letter". Even if I assumed ten "working" days, this mean that you expect to have our comments by next Thursday, February 11, 1999. This time frame is simply impossible to meet. Your office spent a total of twenty two days in San Diego in August and October of 1998 gathering information for this report. During our "exit interview" with your staff on October 22, 1998 we were promised a "draft report" within thirty days. Instead, it has taken your office over three month to produce this draft report.

Therefore, to expect that we can present you with a comprehensive and detailed response within ten days is neither fair nor reasonable. There are a number of factual misstatements and omissions in this draft report and we must be given the time to respond in detail and provide you with documentation verifying our responses. In addition, our Management Information Specialist is an independent outside contractor from Northern California and we need to coordinate our schedules with him so that we can meet, review and discuss our response. Finally, we must schedule a series of meetings with local officials from our independent, bar association sponsored PAI program, the San Diego Volunteer Lawyer Program in order to coordinate our responses and present you with the most comprehensive information possible.

Just scheduling the above noted meetings is a nightmare in itself considering all of our schedules, not to mention actually writing our official response.

For all the foregoing reasons, assuming that you have no strenuous objections, our formal response to this draft report will arrive at your office no later than the close of business Friday, February 26, 1999. We will make every effort to get our response to you earlier.

RESPONSE ATTACHMENT

LSCRESPONSEQUATREVAUSD2051999

Your office has always been most understanding and cooperative in working through such matters with our program. Thank you for your anticipated cooperation in this instance as well.

If you have any questions or would like to discuss this matter further with me, please do not hesitate to contact me at (619) 262-5557, Ext. 320.

Very truly yours,

GREGORY E. KNOLL, ESQ.  
Executive Director/Chief Counsel

GEK/a

cc: Len Koczur, Assistant Inspector General for Audit