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FROM : ***Gretchen Coll-Martí***  
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DATE : September 14, 2001

RE : **SELF EVALUATION – PUERTO RICO STATE PLANNING**  
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### **Introduction**

A year ago, Puerto Rico Legal Services and Community Law Office (CLO), the two LSC grantees in Puerto Rico, received a letter from Cynthia G. Schneider of the Office of Program Performance notifying both programs that what we had timely submitted as a “State Planning Report” was not really a description of a planning process and participants. It further stated that the document lacked many of the elements associated with a good planning process, including involvement of stakeholders, an assessment of strengths and weaknesses, steps and a timetable to achieve goals. The letter noted that it did not appear from our report that any serious planning had actually occurred focusing on comprehensive delivery. Finally, the six page letter went into detail about the elements LSC considered must be present in a good state plan.

We have since engaged in a lot of activity in order to comply with LSC’s request.

We first identified state planning activities that were actually existent and had not been informed as such to LSC. Then we proceeded to discuss and prepare a delivery plan which builds upon the strengths we already have, but is more comprehensive and client-centered.

We are pleased with what has been planned and what has been achieved.

Surprisingly, a few enthusiastic stakeholders have emerged, a few others have reluctantly agreed to be part of an overall delivery plan and still others want to be part of this effort although we have not yet clearly defined how this can be. We face the reality that state planning is actually a priority only to LSC grantees and to the University of Puerto Rico's School of Law, which is wholeheartedly devoted to this effort. Other "stakeholders" had to be coaxed into joining.

We held a two day retreat where staff from Puerto Rico Legal Services, CLO and Pro Bono analyzed the seven functional capacities identified in Program Letter 98-1 and further explained in Schneider's letter. The group analyzed what has been done and what needs to be done in Puerto Rico in order to create a "state" justice community or, in our case, an "island wide justice community".

We are aware that we are at the initial stages of the whole planning process. However, we have designed an overall delivery plan and think that we can move along rapidly in taking steps that require lots of preparation (like the identification of critical processes, amendment of regulations, preparation of procedures and protocols) but not much monetary expenditure. We will move more slowly when we get to those parts of the plan that require tough personnel decisions or costly equipment.

Our common goal is to stimulate and engage the involvement of the Judiciary, Executive and Legislative branches of government, and the public, private and educational institutions with affording equal access to justice to all low income citizens within the island of Puerto Rico and its offshore municipalities, and to build a stronger, more comprehensive delivery structure where new partners become an integral part of and contribute significantly to a client-centered delivery structure.

Some of the major issues we hope to address through this planning process are:

- ✓ the need to develop additional resources.
- ✓ the need to develop an island-wide centralized, completely integrated, fast, effective and client-centered intake system.
- ✓ the need to identify more priority areas where complementary priorities can be agreed upon among service delivery programs, thus avoiding any duplicity.
- ✓ the need to further develop common legal strategies and share resources.

- ✓ the need to equitably develop technological capacity among providers.
- ✓ the need to improve cost effectiveness (service per dollar).

***To what extent has a comprehensive, integrated and client-centered legal services delivery system been achieved in the island of Puerto Rico?***

The important issues that impact upon low income people within our state are violence, drug abuse and drug related crime, family law problems, lack of adequate housing, housing problems such as “one strike you’re out”, consumers problems, rising unemployment since recent congressional elimination of section 936 (tax breaks for industries which established operations in P.R.), education issues such as special education for children, deficient public health services, juvenile cases, environmental problems, gender discrimination and discrimination against special populations such as HIV patients, street people, and the elderly. Of these, the Pro Bono Program accepts some particular juvenile cases which are rejected by PRLS pursuant to an agreement between both programs. Pro Bono accepts cases for mediation, which PRLS does not accept. CLO has unique specialized clinical projects which do environmental law cases, discrimination against HIV positive patients, a mediation clinic project and a general civil litigation clinic project, which neither Pro Bono nor PRLS have. PRLS accepts cases in all the other categories previously mentioned.

**We have taken the first decisive steps to expand Puerto Rico’s delivery system.** The new components of this island-wide, comprehensive delivery system, in addition to PRLS with its PAI component, the Community Law Office (CLO) and the Bar Association’s Pro Bono Program, are the University of Puerto Rico School of Law (UPR), the Courts Administration, the Legal Assistance Society (LAS) which is the only defenders association in the island, several hard to reach municipalities or townships, and the Puerto Rico Public Broadcasting Commission with its two television channels and two radio stations.

Clients in the island of Puerto Rico are homogenous in terms of language, nationality and race. We do not confront that type of diversity among low-income potential clients. Equitable access to necessary assistance is achieved through:

➤ **Self-help**

In 1991 PRLS Executive Director first approached the Judicial branch with the idea of creating pro se clinics in Puerto Rico. The proposal was energetically rejected and had been rejected repeatedly until recently. The Courts Administration, apparently on its own initiative, finally moved forward and has created the foundations for a pro se program in the city of Carolina. It is a pilot project. In April, 2001, the Chief Justice of Puerto Rico’s Supreme Court, Hon. José Andreu; Associated Justice Federico Hernández Denton, and PRLS’ Executive Director met and agreed that a meaningful space would be opened for PRLS to participate in the decision making process currently taking place with regard to this pro se program. Immediately thereafter

PRLS' Executive Director and the Courts Administration's Executive Director, Mercedes Bauermeister, met and agreed that two attorneys appointed by PRLS would be part of the Pro Se Committee. The two attorneys have been officially appointed to the Pro Se Committee and the work is currently under way. We expect to contribute with meaningful insights as to what low-income citizens expect from a pro se opportunity, what needs to be done, how to handle attitudinal issues, what procedures need to be put in place and, finally, we expect all providers of the delivery system to join in assisting pro se litigants with counseling and paper work. This is, finally, the very beginning of pro se litigation in Puerto Rico.

➤ **Legal education**

PRLS, because of its stronger resources, has taken the lead in providing legal education to clients. However, new spaces will be opened in order to provide much more legal information for clients which is available only through other providers in the system. One significant step forward in expanding availability of legal education to clients has been an agreement with the Courts Administration to place legal education materials provided by PRLS, CLO and the Bar Association's Pro Bono Program in client information "kiosks" which the Court Administration maintains in the thirteen Judicial Centers throughout the island. The first seventeen (17) legal education topics have been revised, digitalized, and are ready to be included in said kiosks. These are stand-alone touchscreen information kiosks. However, we are discussing the possibility, with the Courts Administration, of upgrading the system so that the kiosks can link to what is currently PRLS' Website. This Website's future configuration is being revised. We will consider maintaining a common Website for all providers.

PRLS has had a weekly half and hour radio program for eight years now, which discusses legal topics and has PRLS attorneys as resources. It is a live program, which takes telephone calls from the public, and has a high public acceptance. A completely different schedule has been prepared so that the program affords space to CLO, Pro Bono, Legal Assistance Society and the UPR School of Law attorneys to present and discuss their own priority legal issues. Sponsorship for the program is being sought, with the possibility of expanding it to an hour. Credit will be given to all providers. At present, PRLS finances the radio program with no sponsorships.

CLO, Pro Bono and PRLS all publish legal education brochures which are available through the respective offices and at special activities such as legal education community clinics.

One of the principal responsibilities of the Elderly hotline operated from PRLS is taking legal education to the institutionalized elderly in the form of conferences. Over 100 such conferences are offered yearly by hotline attorneys who travel to all such institutions throughout the island, including the offshore island municipalities of Vieques and Culebra.

*“El Cucubano”* is a periodical published by PRLS four times a year, with the objective of reaching low-income persons and affording them with news and information about interesting cases and legal education. Forty-five thousand (45,000) copies of each edition are printed, for a total of 180,000 copies a year. It is distributed in public agencies, stores, pharmacies, health clinics, institutions for the elderly, the handicapped, juvenile detention centers, housing projects, and many other relevant points of distribution. PRLS will soon publish contribution from other providers.

A significant opportunity has emerged for the legal services community with the recent appointment of a new President to the Puerto Rico Public Broadcasting Commission. This new President has had a close relationship with PRLS for years. A proposal is being discussed by virtue of which all providers which are part of the delivery system would provide the TV Channels with simple, clear and direct material for the creation of legal education “bullets” which would be offered to viewers as a public service. Many details have to be ironed out. However, Channel 6 would provide us with the widest and farthest reaching access possible to our potential clientele.

➤ **Advice, brief service and representation**

All components of the actual delivery system, PRLS, CLO and Pro Bono, offer legal advice and brief services. In fact, these services comprise a large percentage of cases closed. The two hotlines operated by PRLS, TeleLawyer and TeleElderly, use the telephone to offer legal advice through a 1-800 number which covers absolutely all the island and its two offshore municipalities. Through these hotlines clients are referred for extended services either to PRLS offices or to other legal and non legal service providers with which PRLS has verbal agreements. However, hotline attorneys do not make appointments for the clients with other PRLS offices or with other service providers, nor is there an integrated system by which we could avoid duplicity of clients' efforts. Eligibility, conflict checks, determination of priorities and prohibitions are made individually by each provider. CLO, Pro Bono and PRLS are currently painstakingly working on a Centralized Telephone Intake System which will, when in operation, avoid duplicity and simplify clients efforts, providing a inclusive and comprehensive service net. We consider this to be the backbone of the comprehensive, client-centered delivery system which we hope to achieve. We have determined that we need a period of eight months to prepare the infrastructure: identify critical processes, amend regulations were necessary and prepare protocols. Once we identify the funds needed to implement the Centralized Intake System another 18 to 24 months will be needed to make it work smoothly.

A detailed proposed flow chart of the “Centralized Intake System – Puerto Rico State Plan”, in which we are currently working, follows:

Providers in the current service delivery system offer representation to clients in all relevant forums. However, a special mention must be made of the two island

municipalities of Vieques and Culebra, two small islands which are part of Puerto Rico and lie to the east of the island. Culebra has about 2,000 inhabitants and Vieques has around 9,500. They can be reached by boat from Fajardo. The trip is close to one hour, one way. Fifteen minute flights to both islands are prohibitive for island residents, at \$80.00 round trips. Access of these islanders to basic services in the "large island" is very difficult and costly. Through the years PRLS has offered legal services to these people through its Fajardo Office. However, travelling several times to a legal office under such conditions is very burdensome for clients.

Currently both PRLS hotlines include Vieques and Culebra. The two islands, however, do not have equitable access to our legal services delivery system because of their geographical location. They do not have a Superior Court and have only a municipal Judge who visits the islands once a week for minor matters.

We will install teleconference facilities, with peripheral equipment, at four stations: the municipal building in Culebra, the municipal building in Vieques, PRLS' TeleLawyers project, and the Legal Assistance Society (LAS)'s Appellate Office. The mayors of Culebra and Vieques have agreed to provide adequate space and security for the equipment, which will be donated (in the case of the two islands) by the private sector. LAS and PRLS will purchase their equipment. Municipal employees will be trained by PRLS to operate the equipment. Clients will be directed to call PRLS if they have a civil case, or to call LAS if they have a criminal case. Clients and attorneys will be able to view and exchange documents. Referrals and appointments for clients will be made when necessary. This system is a step further from having available only a telephone advice service in civil matters. This new service will replicate an actual legal services office and a legal defenders office, all in one, and will be available five days a week during working hours. It will be in place on or about February 2002.

The possibility of expanding this teleconferencing system to other municipalities where none of the providers have offices is very exciting. For a fraction of the cost of a real legal services office we would be able to reach many more people in need of legal advice. LAS and PRLS will continue to explore the expansion of this delivery system as soon as we test our initial project for a few months.

In April, 2001 PRLS and CLO filed an application with LSC for a Technology Initiative Grant for a statewide project to streamline an existing automated intake system and create a case management system, in Spanish, for use by PRLS, CLO and PRO BONO. See Appendix 1. Coordination and interactivity would be significantly increased among 34 offices. The three partner programs would share a comprehensive, computerized database, and a case management system together with timekeeping, calendarizing, conflict checks and document assembly. Other providers would share PRLS' updated litigation manual, its interview and litigation forms, and would provide their additional input and contribute with their own work product. This would be achieved through a client/server application accessed through a Wide Area Network, with high capacity servers, RAS server, dedicated lines, network

printers, and use of a Website that would be fed with community and legal education materials available to clients. This would allow us to achieve “one door entry” of clients to all of our delivery system, avoiding duplicity of intake processes, duplicity of efforts and eliminating manual conflict checking. The Technology Grant was not favorably considered. However, this is an initiative which will be continued to be pursued as soon as we are able to otherwise obtain the necessary funds to cover its costs.

The main obstacle we have encountered in achieving a statewide, integrated, client-centered delivery system is lack of funds. Resources from which to draw on are quite scarce. In second place, there is a certain resistance in programs’ staff to accept the idea of working together and sharing information.

For the time being, we will continue to work on all of the initiatives stated above, including the “Centralized Intake System – Puerto Rico State Plan”.

A Project has been filed by the Vice President of the Senate, P. del S. 613, for a filing fee. It is a joint effort between PRLS and CLO and has the support of the Bar and the Judiciary. See Appendix 2. The Bar Association adopted Resolution Number 3 at its Annual Assembly held on September 8, 2001, supporting the pending legislation. See Appendix 3.

We must add that a “Comité de Igual Acceso a la Justicia” has been established and is composed of representatives from all four Law Schools, the Bar, Pro Bono, Legal Assistance Society, the Supreme Court of Puerto Rico, the Civil Rights Commission and PRLS. The Dean of the UPR School of Law presides over this committee, which has as its goal to identify other resources, public and private, upon which we can draw on and which can help us expand and improve on the ideal of equal access to justice. This Committee has identified marginal groups in our society whose access to justice is very limited and will discuss this topic in a two day Conference which is scheduled for April 2002. The ultimate purpose of the Conference is to obtain a clear governmental commitment.

***To what extent have intended outcomes of a comprehensive, integrated client-centered legal service delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?***

We have designed activities to promote and offer access to information and expert assistance, some of which are already under way.

- At least twice a year providers will meet to discuss and agree on specific litigation strategies and on specific sensitive and important legal problems. We will share experiences, models and information in order to promote a standard litigation. This was already done successfully between CLO and PRLS during 1999 and 2000, when

we litigated cases having to do with the “One Strike, You’re Out” public housing policy. Strategies were coordinated and, while CLO litigated a leading case in federal court, PRLS made possible, through all its Direct Service Centers and through staff training and strategy sessions, the filing of dozens of claims in local courts to stop evictions of innocent families from housing projects. We know from experience that this coordination improves the quality of legal services to all clients, and improves access to services.

- A bulletin, “Clearing house type”, will be coordinated by PRLS where all providers publish their contributions from information on clients and particular client needs, legal information, and litigation strategies, to the updating of poverty law issues. This bulletin will be published by electronic mail, will be fast, useful and cost effective.
- All compliance trainings offered by PRLS will be informed to LSC grantees and subgrantees and at least one person from each program will be invited to participate. PRLS will continue inviting CLO and Pro Bono personnel to other training events as agreed individually with each provider. CLO, in turn, will provide PRLS with access to their excellent physical facilities at Interamerican University, including conference rooms and classrooms, which PRLS lacks.

We are certain that all of the initiatives taken to coordinate with providers throughout the island will expand access and services, however, we need to let some time pass in order to quantify the results. Results can be statistically quantified. We also plan to develop a client survey.

Since the institution of the Tele Lawyers hotline in May, 1998 at PRLS, there has been an improvement in the relative equity of client access throughout the island for low-income persons, regardless of where in the island they reside. A 1-800 telephone number, well publicized, has made sound legal advice available in civil matters to almost anyone. In terms of availability of a full range of civil equal justice delivery capacities, Pro Bono and PRLS offer access to clients throughout the whole island. We need to conduct an assessment to identify if there remain any areas that suffer from a disproportionate lack of resources, apart from the two island municipalities already mentioned and for which a strategy is already designed.

With regard to the private bar, the PAI component in Puerto Rico is made up of a Private Practice Component (PPC) where lawyers are paid a reduced fee by PRLS, and by the Bar Associations’ Pro Bono Program, a subgrantee of PRLS, with a budget that represents 29% of the total PAI budget. The involvement of private lawyers in the delivery of service to low income clients has been expanded. Now private attorneys are representing domestic violence victims during weekends and after working hours at a CLO Office inside the San Juan Superior Court; they are also taking turns at both PRLS hotlines, Tele Lawyers and Tele Elderly. This affords a lot of help to regular personnel.

Recruitment of private bar attorneys is totally coordinated between Pro Bono and PPC. No attorney may form part of the compensated panel if he/she is not a bona fide

active member of Pro Bono. This policy has proven successful in that around 2,000 attorneys are part of the Pro Bono panel, of which 1,200 are fully active and accept pro bono cases all year round. However, we are currently exploring how we can reduce cost per case in our compensated model, PPC.

There is coordination in the establishment of priorities between Pro Bono and PPC: an agreement between both PAI components established that Pro Bono will accept all “Type I” Juvenile cases which PRLS has rejected as priority cases. Pro Bono will also accept any other Juvenile cases, “Type I” or “Type III” which for any reason PRLS is unable to accept. PRLS has agreed, in turn, to accept Notarial Law cases for extended service which are referred from Pro Bono. The PPC component also accepts referrals of Bankruptcy cases from Pro Bono. Bankruptcy cases fall under the Consumer Law priority of PRLS.

***Are the best organizational and human resource management configurations and approaches being used?***

For calendar year 2001 the configuration of programs, LSC and non LSC, that deliver services to low income clients are:

► ***Community Law Office*** - Receives a LSC grant for \$332,707, plus an in-kind contribution of \$431,519.00 from the Interamerican University School of Law, where it is housed. The in-kind contribution is detailed as follows:

Space rent	\$ 40,000.00
Water resources	1,670.00
Energy	36,000.00
Technical support	21,000.00
Repairs	1,000.00
Training	3,500.00
Parking	7,680.00
Security services	14,000.00
Printing materials	5,000.00
Office supplies	2,000.00
Professional services	245,562.00
Equipment	22,947.00
Library	3,000.00
Telephone	5,000.00
Maintenance of common areas	11,000.00

Subscription fees	2,500.00
Administrative support	<u>9,660.00</u>
	\$431,519.00

CLO is a law school clinic, with a single office, located in Hato Rey, in the Interamerican University School of Law building. It is governed by a 11 member Board of Directors appointed by the University, which in turn appoint its Executive Director. CLO's priorities are:

- Family Law
- Housing
- Juveniles
- Public Benefits / Income Maintenance
- Consumer Law
- Employment Law
- Health
- Education (Including Special Education)
- Individual Rights

It operates a special, highly successful environmental law project, and a project for HIV positive patients victims of discrimination.

Its accounting system, human resources management system, and others, are those of the University, and are part of the School of Law's in-kind contribution.

CLO's area of responsibility are the following areas of Hato Rey: Avenida Arteria B, Avenida Borinquen, Bahía, Barrio Obrero, Bolívar, Bravos de Boston, Brisas de Oriente, Buena Vista, Caparra Heights, Caparra Terrace, Calle Cerra, Condadito Final, Corona, Cuevas Padilla, Dávila y Llenza, Residencial Dr. Dávila, El Mirador, Eleanor Roosevelt, Héctor Piñeiro, Hoare, Israel, Juan B. Huyke, La Zona, Las Acacias, Las Casas, Las Gladiolas, Las Margaritas, Las Monjas, Los Lirios, Los Mangos, Marruecos, Martín Peña, Melillas, Merhoff, Monteflores, Nemesio Canales, Oriente, Parada 27, Puerto Nuevo, Puerto Nuevo Norte, Avenida Roosevelt, Rosa Fonalledas, San Juan Bautista, San Juan Bosco, San Juan Park, Santurce, Tokio, Tres Monjitas and Villa Kennedy.

In terms of cost effectiveness it is doubtful that PRLS can achieve, with LSC's grant amount to the CLO, what the CLO does with the strong support from the University. See Appendix 4.

The CLO complements its resources with a \$240,659 grant from the Office of Federal Justice Programs. It obtains \$89,000 in VAWA funds, through its Civil Assistance Domestic Violence Project, obtains \$120,000 in legislative funds and \$52,450 for its AIDS Task Force project.

► ***Puerto Rico Legal Services*** -Receives a LSC grant for \$17,565,821 basic field and \$262,398 for its Migrant component. Currently receives a small, fluctuating grant from VAWA funds for \$102,000 for litigation of special domestic violence cases, a grant for \$150,000 from the Office of Justice Programs, and a mini grant for \$25,000 for an educational project for parents of children with Special Education needs.

Its PAI component, 12.5%, amounts to \$2,195,7272. Of these, \$1,547,329 is used for PPC, the compensated private practice panel, which extends island-wide, to 18 of PRLS' direct services offices, and \$648,398 goes to the Bar Association's Pro Bono Program in the form of a subgrant.

PRLS operates 19 Direct Service Centers island-wide, a Migrant component housed at two of its DSC, Mayagüez and Río Piedras, a TeleLawyer island-wide hotline for legal advice, and Tele Elderly island-wide hotline with specialized elderly law advice, a Special Education Project which specializes in litigating special education issues, trains PRLS attorneys on these issues, and also operates a 1-800 hotline, island-wide.

PRLS has a strong infrastructure, and an excellent training division, enjoys credibility and has a very respectable reputation in the Courts system throughout the island. The operation of its PAI component is impeccable.

PRLS is governed by a huge Board of Directors made up of lawyers named by the Bar Association, clients, and a small percentage of other representatives.

PRLS priorities are:

Basic Field General

Family Law  
Juveniles  
Housing  
Consumer Law  
Health  
Income Maintenance  
Education  
Elderly  
Miscellaneous

Basic Field Migrant

Employment  
Health Related Issues

► ***Pro Bono Program of the Bar Association*** - Receives \$648,398 in a Sub Grant from PRLS. The grant is totally LSC. It also receives a \$88,665 grant from the Governor's Office for Elderly Affairs and a \$7,500 donation from the Puerto Rico Bar

Association.

Pro Bono has one administrative office housed at the Bar Association's facilities in Miramar, San Juan, and six regional offices located at Arecibo, Caguas, Humacao, Mayagüez, Ponce and San Juan. The San Juan regional office is also located at the Bar Association's facilities.

It is governed by a nine (9) member Board of Directors, two (2) appointed by the Bar, two (2) members are appointed by PRLS' Executive Director, three (3) members are clients representatives appointed by community organizations, one (1) member Ex-Officio, the Executive Director of the PR Bar Association, and one (1) member Ex-Officio, the President of the Bar Association Commission of Aid to Citizens.

Pro Bono priorities are partially complementary of PRLS priorities, as mentioned previously, in juvenile cases, extended notarial services and bankruptcy cases. This complementariness is being studied with the goal of extending it to other priority areas. We have identified that there is space for improvement in this area.

Pro Bono's priorities are:

- Consumer Law
- Education
- Employment
- Family Law
- Juveniles
- Housing
- Health problems
- Income maintenance
- Mediation
- Elderly Law
- Estates
- Brief legal advice

We understand that there is some duplicity, particularly in client efforts. This we plan to minimize and eventually eliminate, particularly by adopting the proposed Centralized Intake System and, to a lesser degree, by emphasizing in adopting complementary priorities among providers.

All three programs, Pro Bono, CLO and PRLS have received the recognition of the legal profession, are highly regarded and strongly supported by the Bar and Judiciary.