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PLEASE REPLY TO: MAIN OFFICE

REC'D SEP 30 2002

September 26, 2002

Joseph A. Dailing, Consultant
LSC State Planning Team
Prairie State Legal Services
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Rockford, IL 61103

Re: State Planning Self-Evaluation Report

Dear Attorney Dailing:

Please find enclosed the State Planning Self-Evaluation Report for Legal Services of the Virgin Islands, Inc.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Richard Austin, Esq.
Executive Director

RA/ms

Enclosure

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STATE PLANNING
SELF-EVALUATION REPORT

LEGAL SERVICES OF THE VIRGIN ISLANDS, INC.

SEPTEMBER 15, 2002

CONTACT PERSON:
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This State Planning Self-Evaluation Report is submitted pursuant to LSC Program Letter 2000-7. The report will address the issues outlined in Program Letter 2000-7 which are as follows:

1) **To what extent has comprehensive, integrated client-centered legal services delivery system been achieved in a particular state?**

2) **To what extent have intended outcomes of a comprehensive, integrated and 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?**

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

Legal Services of the Virgin Islands, Inc. (LSVI) apologizes for the delay in the submission of this report.

1) To what extent has comprehensive, integrated client-centered legal services delivery system been achieved in a particular state?

LSVI for over 33 years through its territory-wide operation has provided comprehensive, integrated to the extent possible, client-centered civil legal assistance to eligible persons. It is the only entity in the Territory of the United States Virgin Islands that provides free civil legal assistance to the poor.

The U.S. Virgin Islands' has four (4) inhabited islands, are St. Croix, St. John, St. Thomas and Water Islands. The U.S. Virgin Islands are located approximately 1,800 miles southeast of Miami, Florida and approximately 80 miles southeast of San Juan, Puerto Rico. The nearest LSC funded program is located in Puerto Rico. Point Udall, located on the eastern coast of St. Croix, is the easternmost point of the United States of America.

The total population of the U.S. Virgin Islands at the 2000 census was 108,812 (St. Croix - 53,234; St. John - 4,157 and St. Thomas - 51,421). The poverty population according to the 2000 census totals 34,931 (St. Croix - 20,371; St. John - 775 and St. Thomas - 13,785). All of the poverty level individuals, along with victims of domestic violence, elderly persons over the age of 60 and abused and neglected children, are eligible for LSVI services. LSVI represents domestic violence victims, the elderly and abused and neglected children under special grants.

LSVI operates territory-wide with offices on the islands of St. Croix and St. Thomas. Services are provided to the islands of St. John and Water Island from the St. Thomas office. The St. Croix office serves as the administrative office.

The justice community in the U.S. Virgin Islands consists of the Virgin Islands Bar Association, U.S. Federal District Court, Territorial Court, V.I. Department of Justice, U.S. District Attorney's office, V.I. Department Police, Territorial and Federal Public Defender's office, V.I. Legislation, V.I. Advocacy, Inc., (this agency represents the interest of disabled individuals under ADA), V.I. Legal Assistance Foundation, Inc., (local IOLTA program), V.I. Domestic Violence and Sexual Assault Coordinating Council, Inc., (this agency provides a coordinated approach to domestic violence and sexual assault awareness and intervention in the territory) and LSVI.

There is no formal State Justice Community Planning entity in the U.S. Virgin Islands with the sole purpose of planning and implementing a legal services delivery system. Nevertheless, there are several entities which exist to coordinate justice community resources and to provide a forum for interaction. They are the Law

Enforcement Planning Commission (LEPC) which coordinates and re-grant federal VOCA and VAWA funds; and the Judicial Council, which is a statutory entity.

The Judicial Council was created by local statute and is headed by the Chief Judge of the Federal District Court. It is made up of representatives from entities which comprises the justice system in the territory. The LSVI Executive Director is a member of the Judicial Council and gives a report of the status of civil legal assistance to the poor at each Judicial Council meeting.

There are no law schools and no other public interest law firms or agencies in the territory except LSVI.

Further, LSVI collaborates and coordinates with the Women's Coalition (St. Croix), Family Resource Center (St. Thomas) and the Safety Zone (St. John), which are all women's advocacy agencies and shelters, in providing assistance to victims of domestic violence and sexual assaults; with the local chapter of the AARP, Senior Citizen's Advocacy Group and the Department of Human Services in providing assistance to the elderly; with the Territorial Court, Family Division in providing assistance to abused and neglected children under our Court Appointed Special Advocate (CASA) project; and with the V.I. Advocacy, Inc., in providing assistance to the disabled.

Based upon the foregoing, it is our position that the structure in place is adequate and diverse and that a comprehensive, integrated client-centered legal delivery system has been achieved in the U.S. Virgin Islands.

2) To what extent have intended outcomes of a comprehensive, integrated and 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?

LSVI's legal service delivery system provides a full range of services which are as follows:

1) Advice and brief services
2) Information and referral
3) Extended representation
4) Litigation
5) Self-help facilitation
6) Community legal education
7) Community economic development
8) Private bar/pro bono attorney involvement
9) Website for client and advocate legal information
10) Alternative dispute resolution

The above-mentioned services are available to all eligible client territory-wide and these are no barriers to client access to these services.

There exists the potential of a language barrier to access to legal services in the U.S. Virgin Islands since there is a growing number of Spanish speaking eligible clients. LSVI has addressed this challenge by having present or readily available at least one Spanish speaking staff person in each office at all times.

LSVI is the only provider of free civil legal assistance to poor persons in the Virgin Islands. LSVI is fully accepted and highly respected by the private bar, Judges of the Territorial and Federal Courts, the legislative and executive branch leadership and the business community organization leadership.

LSVI was founded in 1969 by prominent local attorneys and community representatives. Its Board of Trustees down through the years have been composed of prominent lawyers and client representatives. LSVI's by-laws requires that there be equal representation from each island and that the representation reflect the diversity of the community.

LSVI engages multiple entities in determining and cooperating to meet client needs. LSVI involved the client community, the bar and bench and the general community in its most recent client needs appraisal and the development of program priorities.

The most critical legal needs based upon the critical needs assessment were as follows:

1. The need to provide a quality education for the youth of the territory;
2. The need for a comprehensive community response and intervention in domestic violence matters;
3. The need for more low cost decent, safe and sanitary housing;
4. The need to prevent unreasonable evictions and foreclosures;
5. The need to provide economic and other assistance to elderly and disabled persons;
6. The need to protect workers from unreasonable and unjust discharges from their employment;
7. The need to provide assistance to the court in child abuse and neglect cases;
8. The need to secure adequate health care, including mental health services, for all low-income persons;
9. The need to assist and empower low-income people to obtain income and maintenance necessary for their survival.

The LSVI program priorities based upon the most critical legal needs are as follows:

Types of cases, matters and objectives

The legal staff of Legal Services of the Virgin Islands, Inc., to the extent that resources and staff expertise allow, provides assistance in the following areas:

1. **Family/Children's Rights**

To Assist victims of domestic violence and to support the integrity, safety, and well-being of the family; and to provide a voice in court for abused and neglected children.

2. **Income Protection and Maintenance**

To assist with income maintenance involving the acquisition and maintenance of income necessary to the survival of clients. This includes public benefits, social security, unemployment compensation, consumer issues and employment related legal actions that

are not fee generating.

3. **Health**

To secure health care, including mental health services, for all low-income people and to ensure that clients eligible for publicly-funded health insurance programs receive comprehensive accessible, high-quality care.

4. **Housing**

To assist low income persons in housing cases involving the acquisition, preservation or access to housing for homestead and shelter. This includes defense of foreclosures and evictions and other landlord/tenant disputes.

5. **Education**

To improve opportunities for all low-income children and to ensure their right to receive a free, high-quality education in a safe and appropriate environment within the public school system of the U. S. Virgin Islands.

6. **Economic Development**

To assist with community economic development matters that directly relate to the basic survival of clients and priorities as defined by substantive areas.

7. **Elderly and Disabled**

Clients suffering from infirmities of age or disability will receive priority and extraordinary assistance to afford them dignity and quality care while acquiring services for their mental and physical comfort.

8. **Community Legal Education**

To assist our clients to understand their rights and responsibilities in a broad range of areas, such as consumer injustice, housing, public benefits, domestic violence, health care and other areas of law.

9. **Miscellaneous and emergency cases**

To provide legal services in cases or matters not otherwise a priority, with the approval of the Executive Director or his/her designee, provided the case or matter addresses: (1) A significant threat to the health or safety of the client, for which no other

legal assistance is available; (2) Issues that arise because of new and unforeseen circumstances, such as natural disasters, changes in the law affecting large numbers of clients and other emerging legal issues not anticipated when the priorities were adopted; or; (3) The causes or effects of poverty and it is anticipated that the case or matter would have a significant effect on the client's economic situation or establish a precedent for others in similar situations.

LSVI makes every effort to promote greater involvement by members of the private bar in the legal lives of clients. LSVI involves private attorneys in its work through the Private Attorney Involvement (PAI) project. The private attorneys are recruited to handle cases in our priority areas. We also use private attorneys to train program staff in specialized legal areas such as real property and estate/probate matters. Private attorneys are also used in our Legal Assistance for Victims of Domestic Violence Program. They are trained to represent victims of domestic violence. They are also monitored by project staff in these cases.

There are approximately 600 members of the V.I. Bar Association. Bar membership is mandatory. Approximately half of these individuals are inactive or reside outside of the territory. Of the remaining attorneys, about 100 are employed by agencies and about 200 are in private practice. Most of these are single practitioners. There are very few law firms of 5 or more attorneys. The private lawyers are required by statute to handle criminal cases. Because the number of criminal cases are so large and the number of private attorneys so small, the attorneys are sometimes over burdened with court appointed criminal matters. They use this as a reason for not accepting PAI cases. There are approximately 31 attorneys currently participating in the PAI program. We are presently developing a website that will be available to train PAI attorneys.

LSVI's comprehensive, integrated client-centered legal service delivery system is effective and efficient. Case planning and strategies are determined by the casehandler in consultation with the client and management staff. Periodic case reviews allow for the appropriate adjustments to be made. Primary supervision of all legal work is the responsibility of the Managing Attorney and the Executive Director. The LSVI Standards of Practice and the Case Management System, which are based upon the LSC Performance Criteria, the ABA Standards for Providers of Civil Legal Services to the Poor, and the ABA Code of Professional Responsibility, guide the manner in which cases are handled. The Case Management System was established to accomplish the following purposes:

1. Promote efficiency
2. Insure quality of work
3. Promote uniformity and sharing of information
4. Insure integrity of files
5. Insure adherence to priorities
6. Insure adherence to eligibility guidelines
7. Insure reasonable and equal distribution of cases
8. Limit volume of cases
9. Insure accurate statistical reporting
10. Help establish training needs

LSVI recently had an LSC Office of Compliance and Enforcement Case Service Report/Case Management System Review. Their final report indicated that LSVI is in substantial compliance with the LSC regulations and CSR instructions; and that LSVI is providing effective and efficient legal assistance under its Case Management System.

Written in the Case Management System materials, used by all casehandlers, is information regarding use of the office-wide tickler system, master calendar for court

scheduling, file maintenance and case closings. An exit interview is held with each client to determine the client's satisfaction with the services rendered.

LSVI's legal service delivery system involves the maximum use of technology. LSVI uses the Western New York Law Center TIME System - Intake and Timekeeping Program. This system includes both personal case list and timekeeping databases. All of the computers in each office are networked and have access to the Internet.

Each staff person has a personal computer with an internal modem at his/her desk. Networking and remote access software has been installed in each office. Laptop computers are available for outreach. Uniform word-processing capability allows for easy exchanges and communications. Materials are developed for assembly of all routine cases and include pleadings and form letters to aid in efficiency and decrease the need for additional clerical help. E-mail, on line services and Internet access are available. There is a DSL line in each office.

LSVI casehandlers are able to do legal research using CD-ROM, hard copy and Internet library resources provided through subscription. WESTLAW, LEXIS-NEXIS, Matthew Bender, MICHIE, and Shepard's are available. They also have access to the Federal Court law library located on each island. LSVI's on-line computer services coupled with monthly subscriptions to legislative, judicial and other law-related materials are sufficient to secure timely information on the judicial decisions, and administrative and legislative developments affecting eligible clients.

LSVI has developed a website under an LSC Technology Initiative Grant (TIG). The Virgin Islands Legal Assistance Network (VILAN), a statewide website project is a web based legal information portal, based on Lawhelp.org, powered by Pro Bono Net information distribution model. The project seeks to improve collaboration between legal information stakeholders and increase distribution of legal information to low income and historically disadvantaged community clients in the U.S. Virgin Islands.

LSVI generates its resources from diverse sources. LSVI cannot and has never operated exclusively with LSC funds. LSC funds account for approximately one-third of the current LSVI budget. The other funds are obtained from fundraising and grantsmanship efforts from the local and federal governments, United Way agencies, national and local foundations and organizations, and the V.I. Legal Assistance Foundation, which is the local IOLTA program. We will continue to seek funds from these and other sources.

LSVI recently completed a Private Bar Campaign assessment, which was performed by a consultant from the Fundraising Project of Management Information Exchange. His summary findings was that an annual Private Bar Campaign could be successful in the U.S. Virgin Islands, if the right leadership is involved. We are presently exploring the staff and/or consultant resources needed to start and complete a campaign. We are in the process of building phase I of a new office complex on St. Thomas. It is a Community Law Center funded by USDA funds. We are exploring ways to raise funds to complete phase II of the complex.

LSVI utilizes the services of summer legal interns under a local government youth employment project. We also have had law students to come and do internships under public interest law scholarships from their law school. We had a local resident who is a student at Georgetown Law School to intern this summer. The Court Appointed Special Advocates (CASA) project has trained and uses the services of approximately 30 volunteers to work on abused and neglected children cases. LSVI has in the past trained and used senior citizens as volunteer investigators, paralegals and mediators.

The stated mission of LSVI is to access justice, protect rights, and educate people in poverty in order *to empower them to move toward self-sufficiency* (emphasis added). LSVI's primary mission is client community empowerment by empowering the client. LSVI empowers clients to help themselves, to gain access to the judicial system; and to education, housing, health care and other survival services.

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

LSVI has been providing free, comprehensive, client-centered, high quality, integrated, civil legal assistance to eligible clients in the U.S. Virgin Islands for over thirty years. It is not anticipated that there will be any need for changes in the configuration and approaches used in the legal service delivery system in the U.S. Virgin Islands.