

## PUERTO RICO STATE PLANNING REPORT

**Service Areas** : PR-1, MPR and PR-2

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### **State planning Process and Participants**

Since receipt of the LSC Program Letter 98-1 on, we began coordinating with Ms. María Dolores Fernós, the Executive Director of the Community Law Office (CLO), who administers LSC funds for the PR-2 Service Area, and with our Subrecipient, Pro-Bono, Inc. to initiate the development of the Puerto Rico State Plan. Puerto Rico Legal Services is an Island-wide program. It serves all municipalities in the island, with the notable exception of a small urban area in Hato Rey, served by the Community Law Office.

### **Areas address:**

#### **Intake, advice and referral.**

In May 1998, Puerto Rico Legal Services initiated a statewide centralized telephone intake and delivery system. Through “TeleAbogado” we are able to provide high quality advice and brief services immediately to a greater number of clients island-wide. Clients whose problems require more extensive services are referred to program case handlers in the local offices nearest to their residence. Referrals are made to a PRLS office, a Pro-Bono office, the CLO in Hato Rey, a PAI Attorney, or to other non-legal resources in the community.

PRLS also have legal hotlines and special projects for special clients’ population such as: Elders, Special Education and Domestic Violence victims. Both the hotlines for the Elderly and for Special Education children operate Island-wide. The Special Project on Domestic Violence, although not a 1-800 hotline, answers telephone consultations. This project operates out of three of PRLS’ offices, covering three specific regions: Mayagüez (services the city of Mayagüez and the towns of Añasco, Cabo Rojo, Hormigueros, Las Marías and Maricao); Arecibo (services the city of Arecibo and the

towns of Camuy, Hatillo and Quebradillas); Bayamón (services the city of Bayamón and the towns of Cataño, Toa Baja and some areas of Guaynabo).

Experienced staff in each of these fields provides prompt access for and assistance to these clients.

Clients are also referred from state courts and/or government agencies with whom we coordinate our services.

If the service requested can not be provided by our Programs the applicant is either referred to a private attorney, a government agency or a private institution.

CLO pioneered a Special Project for women in cases of Domestic Violence since January 1996. The project, financed with VAWA and LSC funds, operates from the San Juan Judicial Center in Hato Rey and provides the following services: telephone consultations, counseling and court representation.

CLO also coordinates direct legal services to women survivors of domestic violations sheltered in “Casa Julia”, the only shelter for domestic violations and sexual assault victims in the greater San Juan Metropolitan Area. Legal assistance is provided also to women who receive ambulatory counseling in Casa Julia.

CLO has had a special project for HIV patients with Ryan White funds since 1996. Legal assistance, counseling, including telephone and community education is provided to 23 counties surrounding the San Juan area.

### **Effective Use of Technology**

Since 1995 PRLS began to utilize new and more advanced technology systems to improve the quality and expand the services to our clients. For this purpose an Office of Information Systems and Networking was established.

Telephones, computers and fax machines are used for the intake process: appointments are given over the phone, in some particular cases intake might take place over the phone (migrant workers, elderly, special education and many other clients with

access difficulties island-wide). When a client is referred from one Regional Office to another, or to a PAI attorney, documents are faxed.

All the PRLS 19 regional offices will be connected to our Main Office through the use of modems. The PRLS Main Office Divisions are already interconnected.

At present all of the PRLS employees have access to Internet either on or other than from their desktop.

All of the attorneys have access to automated legal research.

The Office of Information and Network Systems operates an IBM AS400 main frame to facilitate the accounting, functions, payroll, property control, library inventory, etc.

PRLS is currently changing the AS400 to a Network system. This system has a PENTIUM PRO-200 MHz with 128 RAM and three 4.5 GB Raid system discs.

The operating system is a WINDOWS NT SERVER with a Back-up office program installed.

All administrative and casehandling staff has access to personal computers. At each workstation we have PENTIUMS with microprocessors ranging from 90 to 166 capacity. Office 97 has also been installed.

Currently PRLS have internal e-mail; computers have word processing database and spreadsheet programs running through WINDOWS NT 4.0.

The hardware and software permits us to do automated legal research, e-mail, case management, financial management and timekeeping.

Each PRLS branch office's library has a PC used for legal research and Internet e-mail access.

PRLS is currently constructing a website in the Internet.

CLO contracted the services of consultant on November 1966 to establish the initial steps of a more advanced technological system. The consultant hired also provided

services to PRLS and coordination was established between the Executive Directors of both Programs so that hardware and software would be compatible and thus networking between both programs would be feasible in the future.

At this moment 50% of the CLO staff has available eight PC Pentium 133 MHz with Windows 95 program. We have access to Internet, Automated Research and Electronic Mail by Inter American University of PR as our host. The Inter American University extended us the access services free of charges as a part of the academic and communal support to our services. We want to improve these facilities throughout all of our staff including the networked within our office.

We expect that by 1999 all of our Program computers will be networked between all our program offices.

### **Access to the Courts, Self-help and Preventive Education**

The structure and configuration of the legal profession itself, as well as the prevalent attitudes (in general) among attorneys in the private practice does not guarantee that the poor can count on receiving free legal services of a high quality. Given these circumstances a program oriented toward offering free legal services is absolutely necessary. For years we have coordinated the efforts of the state bar association and individual practitioners to provide pro bono and reduced fee representation to the poor.

The only other resources are the Law School Clinics and these are very limited regarding the number and nature of the cases they can accept.

In coordination with CLO and the Commission for Women's Affairs', through the special Violence Against Women Act (VAWA) funding, special Projects were established in various Superior Court jurisdictions, for the provision of legal services to the domestic violence victims. CLO also widened its service offer through various clinical workshops with second and third year law students.

CLO – in the San Juan Superior Court.

PRLS coordinates with CLO in their domestic violence special project, through the provision of legal assistance by the PAI attorneys.

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PRLS - in Mayagüez, Arecibo and Bayamón Superior Courts

Efforts will be made to obtain additional resources to expand the projects island-wide.

To increase client access to legal services and the courts PRLS established “TeleAbogado” or “TeleLawyer”, a centralized toll free telephone intake system for the provision of advice and brief services. Cases that require extended legal services are referred to the branch offices or other entities. We will continue operating this innovative system in 1999, thus making our legal services more accessible to our potential clients, including the special populations and those residing in hard to reach areas. This toll free telephone intake service is available island-wide increasing our delivery capacity. It operates with a Managing Attorney, two (2) staff Attorneys and one Executive Secretary. A volunteer component of PAI attorneys has been established. We utilize two part-time PAI attorneys daily. All the attorneys have been trained in telephone intake techniques, information gathering and in providing legal advice by telephone.

A software program has been developed to support the intake system, allowing data entry at the first point of contact, minimizing the use of paper files.

Our final objective with the implementation of this centralized toll free telephone intake system is to significantly increase the number of clients served, improve our client access, program efficiency, quality of service and client satisfaction.

**Coordination of Legal Work Training Information and Expert Assistance**

For many years PRLS has had a fully staffed training office (the Education and Organizational Development Division ([Training Division]), with highly experienced personnel, which has provided all our attorneys with training sessions and written materials

on the most significant changes in the laws and programs that affect the low-income community in Puerto Rico. Additionally, litigation strategies are discussed and developed at staff meetings, followed by litigation manuals and materials. Through PRLS weekly radio program, we are informing our clients and the poor community in general about those changes and their rights under new legislation.

PRLS attorneys have on-line access to federal and state court decisions, agency regulations and decisions, through the use of the MicroJuris/Lexis legal research software.

The PRLS Monitoring Office staff, which includes a Litigation Facilitator, follows up on legal developments and programs and coordinates activities to ensure that our personnel is kept informed of changes affecting our clientele.

We are working with the Courts Administration and the Juvenile Courts Judges on changes in our priorities and case acceptance regulations.

The increasing complexity of problems that come before us require renewed efforts to train and to expand the practice areas of our personnel, thus enhancing their ability to offer a service of the highest quality. For this reason our Training Division prepares a yearly comprehensive training plan for all employees. The plan includes participation of the staff itself in the determination of priority training needs. We have planned development of training programs in the following major areas subject to later modification:

- ! Training for managing attorneys on innovative administrative procedures.
- ! Staff attorneys will continue receiving specialized technical training in vital areas of concern such as housing, consumer law, juvenile law, family affairs, employment, education, etc.
- ! Training will be provided in trial litigation skills to new attorneys twice a year.
- ! Training in attitudinal change will be repeated as part of an on-going training

program. This training contributes significantly to the establishment of effective teamwork and improves communication within the organization and with our clients.

Training to adequately prepare personnel in the effective use of computer technology and legal research tools.

After the onslaught of Hurricane George on September 21, a special training on the amendments to the Federal Emergency Management Act dispositions is being prepared and will be offered on October 13 to both our attorneys and attorneys from the Community Law Office.

We consider it necessary for our personnel to have the background preparation and general knowledge of the clientele for whom they work. For example, it is fundamental that all members know of behavior patterns and reactions of vulnerable community groups. This knowledge can make it easier to establish more satisfactory relationships with clients to be served, can help gain their confidence and be more helpful in fact gathering and in investigations.

PRLS has developed a "Training for Trainers" package which seeks to prepare our own personnel as training resources, thus minimizing expenses and building on our employees abilities and self esteem.

PRLS attorneys revised the Litigation Skills I and II Training Modules. A great number of our employees participates in projects aimed at Total Quality Management.

PRLS has agreed to invite all CLO staff attorneys to all training events sponsored by PRLS in those substantive areas in which they do priority work. These training events are routinely notified to CLO attorneys. On the other hand the CLO has volunteered as a training resource for some of these trainings, such as the domestic violence training.

We will continue providing substantive and skills training to our casehandlers.

When a case involves complex legal issues, it is either assigned to the attorney with the most experience in those issues or he/she co-litigates the case with a less experienced attorney. Sometimes the Litigation Facilitator will contract with experienced outside counsel to co-litigate a case with our attorneys.

The PRLS Education and Organizational Development Office has developed litigation manuals to be used during trainings sessions.

The PRLS Central Library has specialized personnel in charge of research and updating materials on substantive and procedural legal issues. The Litigation Facilitator supervises all library personnel and coordinates with casehandlers, making sure the library satisfies their needs.

All of the PRLS Branch Offices have libraries equipped with personal computers for legal research. These PC's have access to the MicroJuris on-line service, where casehandlers find local and federal jurisprudence, legislation and administrative rules and regulations. The Central Library has access to the Lexis/Nexis on-line service. Any case-handler can use this service to research federal and other states legislation and jurisprudence.

CLO as a small program has no training unit but due to its long-standing consortium agreement with Inter American University of Puerto Rico Law School CLO attorneys benefit free of charge from all training activities offered by the Law School (conferences, seminars) and by its Continuing Legal Education Division, and excellent source of information for updating CLO attorneys in the legal developments.

A long standing agreement with the Bar Association and its Commissions also allows CLO attorneys free access to their Continuing Legal Education workshops and seminars.

### **Private Attorney Involvement**

In 1983, in compliance with Section 1614.1 of 45 CFR, PRLS created the Private Attorney Involvement Program, part of which is known as Compensated Private Practice Program (Spanish acronym, PPC, referred to herein as the PAI Program), as an integral part of the local Legal Services Program and created to serve the same priorities as the regular program.

The basic objective of the Programs is to provide high quality legal services to eligible clients, through the private bar, in an economic and efficient manner. The priority areas are those established by the main Program.

The referral of cases to PAI attorneys is done through eighteen (18) Puerto Rico Legal Services branch offices. The intake and eligibility determination is done by PRLS staff attorneys who work in the branch offices of: San Juan, Río Piedras, Bayamón, Carolina, Caguas, Humacao, Aibonito, Guayama, Ponce, Utuado, Aguadilla, Arecibo, Mayaguez, Sabana Grande, Vega Baja, Manatí and Cayey. Each office keeps a list of the private bar attorneys who belong to the PAI Program in the specific services area. Cases are referred based on subject matter, expertise of the attorney and client proximity to the lawyer's office. In order to participate in Puerto Rico Legal Services' PAI Program, attorneys must first become members of the Puerto Rico Bar Association Pro-Bono Program. They must also have their professional office located in the geographical areas served by the branch offices.

Puerto Rico Bar Association Pro-Bono Program has 2,380 active members. Pro-Bono carries out their own training for their volunteers. As part of the contract signed with PRLS, as our subgrantee, Pro-Bono is obliged to notify PRLS in advance of all their training activity and to allow spaces for our staff to see for their quality and effectiveness. Upon coordination, Pro-Bono training activities are also available to PAI attorneys.

Payment for services rendered in this compensated model are done in

accordance to the fees we have established for all the legal services offered by PRLS. These fees represent not more than half of the fees private attorneys currently charge for their services. We mainly offer direct representation to clients, but private attorneys also serve as training resources for clients and other PAI members. Research services are also available.

Puerto Rico Legal Service's Private Bar Involvement Program also provides legal services through the Ethical Conflict Panel and the Domestic Violence Panel. Both operate from PRLS' main office located in Santurce.

The Ethical Conflict Panel is coordinated by an attorney who receives referrals of cases from our branch offices through the phone when ethical considerations prevent PRLS staff attorneys from representing eligible clients. These cases are then referred to PAI Attorneys throughout the Island.

The Domestic Violence Panel was very recently created as a joint effort between PRLS and the Community Legal Office (CLO) to provide legal services to victims of domestic violence in the San Juan area.

The CLO opened an office to provide legal representation to women victims of domestic violence, which operates from the San Juan Courthouse building. PRLS has recruited PAI attorneys who will receive referrals from said office to represent client during holidays when CLO personnel is not available. About seventy attorneys have responded to our call and we have provided them with a one-day on legal aspects, as well as emotional and psychological implications of these cases were particularly stressed.

During 1998 we plan to intensify this kind of litigation by accepting referrals from all the branch offices as well.

Aside from the Compensated Model, PRLS currently provides \$568,497.00, through a Subgrant, for the operation of the Puerto Rico Bar

Association's Pro Bono Program, which operates through six (6) offices located throughout the Island. During 1998, Pro-Bono will continue operating from its main office in San Juan with an Island wide 1-800 number, which was established as a response to the 1996 reduction in operational funds. Funding provided to Pro-Bono by PRLS constitutes almost 100% of Pro Bono's current budget.

We proposed, and our sub-recipient, Pro Bono, Inc., has agreed that they will accept those first-offense juvenile cases which PRLS no longer accepts, because of our need to focus our attention on the more complicated juvenile law issues which are more likely to implicate incarceration. Our attorneys refer first offense cases to local Pro Bono offices daily. This coordination has become routine and works very smoothly.

Membership in the PRLS Private Bar Involvement Program is opened every year through advertisement in the Bar Association's newsletter and by direct mailing of applications for membership to all new Bar members. PAI Staff attends orientation seminars for new attorneys offered by the Bar and participate in educational radio programs. We also receive direct applications for membership in the Program from private bar attorneys who are motivated to do so by the seriousness with which the Program delivers its legal services, and the positive experience of other participants.

In the case of the newly created Domestic Violence Panel, PAI attorneys were recruited through newspaper advertising, as well as careful screening of professional qualifications and particular commitment to this type of cases. In all instances, new applicants are screened and processed as they come.

The training and Support Coordinator is the person responsible, in coordination with the PAI Coordinator, for the planning and the delivery of training and fulfills the need for professional support to our attorneys. An assessment of the need of PAI attorneys is done regularly and resources are

allocated to meet these needs. We will continue to provide legal research, copies of recently enacted laws and recent Supreme Court decisions upon request. Our legal libraries, as well as our facilities and equipment, are available to PAI attorneys. This includes, our computer assisted legal research program. As an additional benefit to all our PAI attorneys, a malpractice insurance policy is provided by PRLS.

Our work will mainly constitute direct legal representation in courts and administrative agencies, as well as appellate procedures in both instances.

During 1998 we initiated the involvement of PAI attorneys as training resources particularly in the areas of Bankruptcy, Parental Kidnapping, Juvenile litigation and child abuse. We have a file for each PAI attorney in which their professional and educational backgrounds are kept.

We will produce community education materials in the areas of domestic violence, child abuse, bankruptcy and housing law issues. PAI Attorneys will be identified and contracted for this work.

PAI serves the needs of our clientele as recognized in PRLS' priorities. For 1998, PRLS has identified cases and matters in the areas of Family Law, Juvenile Law, Housing Law and Consumer law as the priorities for services. These areas constitute the bulk of cases handled by PRLS. As an example, the president of the Bankruptcy Bar is a member of our PAI Program. With his help, a training session for PAI attorneys will be held before the end of this year. As for Juvenile litigation, we have many PAI attorneys who are well-trained and professional litigants in this area. Some have worked extensively for the Court system and the Juvenile Correction Administration, or as law professors.

Currently about 700 attorneys are involved in our PAI Program. During this year we expect to raise that number to at least 750 attorneys. The total

number of registered attorneys in Puerto Rico as of June 1998 is 10,000.

CLO also established its PAI Program in 1983. It was severely curtailed in 1996 due to the 52% reduction in LSC funds. Nonetheless the PAI component has been able to maintain its core private practitioner who provide specialized services in Bankruptcy, Juveniles and Family Law cases.

### **Resource Development**

When PRLS and the CLO suffered the budget cuts in 1995, a coordinated state-wide initiative was undertaken with the Puerto Rico Bar Association and other individual attorneys to develop a project that was presented to the P.R. Legislature. This project would generate additional resources to provide legal services for the poor; but the project was not approved.

Then each of the programs initiated individual strategies to obtain additional resources to diversify our funding sources. As a result, funds were obtained by PRLS from sources such as:

The Women's Commission (VAWA funds): three (3) attorneys have been hired to provide services to domestic violence victims, in the District Courts of Mayagüez, Arecibo and Bayamón.

The San Juan Municipality – a grant was obtained for the publication of the Manual “Planificando el Futuro ante el SIDA” which was prepared for the HIV/AIDS patients and their families.

A personal mailing was sent to the 10,000 attorney members of the Puerto Rico Bar Association. With funds received from those attorneys who responded to our mailing we were able to pay the membership fees of the NLADA and PAG organizations.

We also submitted an application to the Department of Justice, Office of Justice Programs, (Domestic Violence Victims' Civil Legal Assistance Grants) for a

\$210,588.48 grant to carry out a Domestic Violence Training Program to be administered to attorneys willing to provide pro-bono legal services to domestic violence victims in shelters and advocacy organizations.

If funds are granted, in 1999 we will train between 800 to 1,000 attorneys, which will have agreed in writing to represent a minimum of two (2) domestic violence cases each for a total of 1,600 to 2,000 domestic violence cases that will be handled pro-bono.

If additional VAWA funds are obtained in 1999, we will continue coordinating with CLO and the Commission of Women Affairs to expand the services to the domestic violence victims in other Judicial District Courts.

CLO lost more than half its funding when the 1995 LSC reduction was implemented. An intense fundraising effort was launched that produced extraordinary results. At present CLO budget has doubled its LSC funding with funding from:

VAWA funds for over \$100,000 for domestic violations cases

A legislative resolution ha provided \$100,000 for the third consecutive years

Ryan White for the three consecutive years for \$50,000.

State grants for \$35,000

Municipal grants for \$25,000

Fundraising events have produced around \$40,000. In kind contributions have been also significant: the Inter American University School of Law provides two secretaries and CLO pays no rent in exchange for student clinical practice at CLO.

### **System Configuration**

After much pondering, we conclude that the current configuration of our

statewide delivery approach achieves the best possible results for our clients.

Ours is an island-wide system coordinated with CLO and Pro-Bono Inc., which facilitates a delivery network that provides low-income persons throughout the island broad, prompt and even access to the legal services. Consideration was given to all the possible obstacles such as geographical isolation, lack of client mobility, special needs clients, lack of information about services offered, etc.

It has been designed to make the best use of available resources, avoids duplication of services, and counts with a high degree of involvement from the private bar.

The intake, training and technology systems have been coordinated with CLO and Pro-Bono, Inc. At present we all use a uniform Timekeeping System. Trainings are coordinated by the three programs. The three programs have been involved in the development of the use of new and innovative technology.

If additional funds and resources are obtained in 1999, plans will be established to develop an integrated computer network between the three (3) programs.