

Lone Star Legal Aid

Procedure for Applicants to Complain About the Denial of Legal Assistance

1. Notice about Right to Complain

- a. Applicants who are denied legal assistance shall be provided with adequate notice about the complaint procedure and how to make a complaint.
- b. Whenever practicable, the information about the complaint procedure shall be provided in writing and in the format in attached Appendix A, *Notice of Rights*.

2. Who May Make a Complaint

Any person who applies for and is denied legal assistance may make a complaint under this procedure.

3. How to Make a Complaint

- a. An applicant may make a complaint about the denial of legal assistance orally or in writing. A copy of this procedure and the *Complaint About Denial of Legal Assistance* form, attached hereto as Appendix B, shall be given to any applicant who indicates he/she wants to make a complaint. The *Complaint About Denial of Legal Assistance* form shall include an explanation to the applicant that information relevant to the complaint may not be treated as confidential and that records relevant to a complaint are subject to review by a member of the Board of Directors of LSLA.
- b. An applicant may make a complaint under this procedure by:
 - i. Using the *Complaint About Denial of Legal Assistance* form and returning it to the office that denied the applicant legal assistance;
 - ii. Writing his/her own complaint and returning it to the office that denied the applicant legal assistance; or
 - iii. Requesting an interview with the Managing Attorney of the office that denied the applicant legal assistance. Upon receipt of an oral complaint, LSLA shall assist the applicant in reducing the complaint to writing by completing the *Complaint about Denial of Legal Assistance* form and attaching the form to the Application.

c. LSLA staff shall assist an applicant with Limited English Proficiency in making his/her complaint, including the use of interpretative and translation services where necessary.

d. When making a complaint about the denial of legal assistance, an applicant may request a review conference. The review conference provides the applicant with the opportunity to confer with the CEO's designee.

4. Response to the Complaint

a. The complaint will be reviewed by the Managing Attorney of the office that denied the applicant's request for legal assistance, or by such other staff as the CEO may designate. The person who initially reviews the complaint is the CEO's designee for purposes of the complaint review process.

b. The Managing Attorney shall, within five (5) working days of the receipt of the complaint, make a decision regarding the complaint, unless the applicant requested a review conference.

c. The Managing Attorney shall, within five (5) working days of the receipt of a request for a review conference, hold a conference to review the denial of legal assistance, and shall inform all persons concerned of the date, time and place for the conference. To the extent practicable, a local Board member may attend this conference.

5. Results of Decision Regarding Complaint/Review Conference Decision

The Managing Attorney shall, within three (3) working days of making a decision regarding the complaint, confirm the decision in writing and send the decision by first-class mail to the applicant. At the conclusion of the review conference, oral findings and recommendations shall be given to the applicant. The findings and recommendations shall be confirmed in writing and sent by first-class mail to the applicant within three (3) working days of the review conference.

6. Emergencies

In emergency situations, such as where the five-day wait would jeopardize legal rights or remedies, or where the applicant prefers an immediate review conference, the Managing Attorney may schedule or the applicant may request an immediate (same day) conference to review the decision to deny legal assistance. The results of the decision on the complaint in an emergency situation shall be given to the applicant as soon as practicable, and in the event

that a review conference is scheduled the decision shall be given at the conference. In all emergency situations the decision shall be confirmed in writing and sent by first-class mail to the applicant as soon as practicable after the decision is made.

7. Senior Management Review

a. If the Managing Attorney's review affirms the decision to deny legal assistance to the applicant, the applicant may request Senior Management Review by the CEO or his designee. The Senior Management Review provides the applicant with the opportunity to confer with LSLA's General Counsel, who is the CEO's Senior Management designee for purposes of this complaint review process.

b. An applicant may request Senior Management Review by calling 713-652-0077 (toll free: 1-800-733-8394) and asking to speak to the General Counsel for a Senior Management Review of a denial of legal assistance decision, or by mailing a written complaint to:

Lone Star Legal Aid
General Counsel
1415 Fannin Street
Houston, Texas 77002

c. The General Counsel shall review the denial within (5) business days of receipt of the request and make a decision on the request, and shall provide a written decision to the applicant within three (3) business days of making a decision on the request.

d. In the event of an emergency, where the five-day wait would jeopardize legal rights or remedies, the General Counsel shall make a decision on the request and give that decision to the applicant as soon as practicable. In all emergency situations the decision shall be confirmed in writing and sent by first-class mail to the applicant as soon as practicable after the decision is made.

LONE STAR LEGAL AID

COMPLAINT ABOUT DENIAL OF LEGAL ASSISTANCE

NAME: _____ DATE: _____

ADDRESS:

PHONE: _____ BEST TIME TO CALL: _____

I want to complain about the denial of my application for legal assistance.

I believe my application should be accepted because: _____

Please select one:

- I want to talk to the Managing Attorney about my complaint.
- I do not want to talk to the Managing Attorney about my complaint.

Notice: Information relating to a complaint may not be treated as confidential. Records relating to a complaint may be reviewed by a member of the Board of Directors of LSLA.

Applicant Signature

For office use only:

Date Received: _____/_____/_____

If review conference requested, date review conference held: _____/_____/_____

Decision on Complaint:

- Application Accepted
- Application Denied

Managing Attorney/CEO Designee

Date: _____/_____/_____

Lone Star Legal Aid

Procedure for Clients to Complain About the Manner or Quality of Legal Assistance

1. Notice about Right to Complain

- a. Clients shall be provided, at the time of acceptance as a client or as soon thereafter as practicable, with adequate notice about the complaint procedure and how to make a complaint.
- b. Whenever practicable, the information about the complaint procedure shall be provided in writing and in the format in attached Exhibit A, *Notice of Rights*.

2. Who May Make a Complaint

Any client of LSLA may make a complaint under this procedure.

3. How to Make a Complaint

- a. A client may make a complaint orally or in writing about the manner or quality of legal assistance provided by LSLA. A copy of this procedure and the *Complaint About Manner or Quality of Legal Assistance* form, attached hereto as Appendix C, shall be given to any client who indicates he/she wants to make a complaint. The *Complaint About Manner or Quality of Legal Assistance* form shall include an explanation to the complainant that information relevant to the complaint may not be treated as confidential and that records relevant to a complaint are subject to review by the Board of Directors of LSLA or employees of the Legal Services Corporation.
- b. A client may make a complaint under this procedure by:
 - iv. Using the *Complaint About Manner or Quality of Legal Assistance* form and returning it to the office that provided the legal assistance;
 - v. Writing his/her own complaint and returning it to the office that provided the legal assistance; or
 - vi. Upon request of any complainant who needs assistance in reducing his/her complaint to writing, LSLA shall assist the complainant in completing the *Complaint About Manner or Quality of Legal Assistance* form.

c. Copies of each complaint received by an office/unit shall be sent to the Managing Attorney and the Supervising Attorney of the office in which the complaint originated, as well as to the General Counsel, promptly upon receipt.

d. LSLA staff shall assist an applicant with Limited English Proficiency in making his/her complaint, including the use of interpretative and translation services where necessary.

4. Response to the Complaint

a. Written complaints about the manner or quality of legal assistance will be first reviewed by the Managing Attorney of the office in which the complaint originated, or by a Supervising Attorney in the event the complaint involves the manner or quality of legal assistance provided by the Managing Attorney. The Managing Attorney and/or Supervising Attorney will consult with the General Counsel, who is the CEO's designee for purposes of reviewing and resolving complaints about the manner or quality of legal assistance made by complainants.

b. LSLA may meet with the complainant before responding to the complaint. Unless there is good cause for delay, LSLA will send the complainant a written response to a complaint within thirty (30) days of receipt of the complaint in the local office. If the response is adverse to the complainant, it shall explain the next step in the grievance procedure. The General Counsel shall be informed about all scheduled meetings with complainants before the meeting occurs. The General Counsel shall review and approve all written responses before they are provided to the complainant. The General Counsel shall be copied on all written responses to the complainant.

5. Senior Management Review

A complainant who receives an adverse decision in response to a complaint may request a review of that decision by Senior Management. The CEO's designee for purposes of conducting the Senior Management Review is the General Counsel. The request for Senior Management Review may be made orally or in writing. The complainant may request a conference with the General Counsel, which shall be conducted in person, by teleconference or through some other reasonable alternative. Unless there is good cause for delay, the General Counsel shall conduct the review and send the complainant a written response to the request for Senior Management Review within thirty (30) days of the receipt of the request for Senior Management Review.

6. Submission of Oral or Written Statement to Grievance Committee

- a. A complainant who receives an adverse written response to a request for Senior Management Review may submit an oral or written statement, or both, to the Grievance Committee. The Grievance Committee will meet to hear the complaint.
- b. To submit a statement, the complainant must send a request to the General Counsel within thirty (30) days of the date on which the adverse response was mailed.
 - i. If the request is to make a written statement, the statement shall accompany the request.
 - ii. If the request is to make an oral statement, the statement may be accomplished in person, by teleconference or through some other reasonable alternative.
 - iii. The complainant may be accompanied by another person who may speak on the complainant's behalf.
 - iv. Upon request of the complainant, LSLA shall transcribe a brief written statement, dictated by the complainant, for inclusion in LSLA's complaint file.

7. Action by Grievance Committee

The Grievance Committee shall approve the decision of the CEO's designee unless it finds that the decision is clearly erroneous. If it finds that the decision is clearly erroneous, it shall recommend such action as it deems appropriate to the CEO. Issues before the committee shall be determined by majority vote of all committee members. Unless there is good reason for delay, the committee shall make its report within sixty (60) days after a complaint is presented to it. The committee shall send a written report to the CEO, with copies sent to the complainant and the General Counsel.

8. Grievance Materials to be Preserved

A copy of each complaint made under this procedure, with related statements by the complainant, response of the designee and any report of the grievance committee, shall be kept by the CEO for a period of five (5) years from the date of the last response or report made in conjunction with the complaint.

