



## MEMORANDUM

Date: July 26, 1999

To: Migrant Farmworker Project Directors

From: Luis C. Jaramillo

Re: STANDARDS FOR MIGRANT FARMWORKER PROGRAM

The following [Attachment "A"] is an attempt to integrate the "unique" standards for migrant farmworker program into the style and format of the already developed Legal Services Performance Criteria [Table of Contents attached as 'B'].

These standards <sup>were</sup> agreed to at the Migrant Project Director's meeting December 9, and 10, 1994 in Washington, DC. except for minor changes.

Performance Area One: Effectiveness in identifying and targeting resources on the most pressing needs of the low income community.

Criterion 3. Setting Priorities and allocating resources

Indicators

The program has explicit case acceptance policies which are clear and specific.

Possible Areas of Inquiry

Is there a focus on migrant farmworker "status" issues, i.e. matters which arise as a result of client workers status as a migrant worker, such as:

- a. AWP/FLSA or other employment issues e.g. H-2A, NAFTA, trade adjustment issues.
- b. Civil rights issues.
- c. employment related housing, including community economic development work to increase the stock of affordable farmworker housing.
- d. occupational, health and safety including pesticides and field sanitation.
- e. benefits issues uniquely impacting on migrant workers (e.g. interstate unemployment insurance compensation).
- f. benefits of programs with specialized provisions for migrant workers (e.g. food stamps).
- g. migrant education.
- h. immigration issues as they relate to farmworker status (e.g., immigration stops of farm labor vehicles [cars, houses, tractors], SAW program).

The program has developed a network of alternative sources to assist Client with respect to client's pressing needs which program is unable to address directly.

Referral to other legal services programs or to the Basic Unit portion of the program.

Referral to private bar pro bono panels.

Referral to social service agencies.

Referral to non-LSC legal services programs and/or advocates.

Performance Area Two: Effectiveness in engaging and saving the client community.

Criterion 3: Thoroughness of access and utilization by the community.

**Indicators**

The program engages and represents effective community groups and assures that all representation is "client" centered/generated to meet the clients' needs.

**Possible Areas of Inquiry**

Does the program actively involve clients and client organizations in the establishment of program priorities for migrants, including priorities which may be distinct from priorities established for program's basic field section?

Does the program provide legal assistance to eligible client organizations, consistent with program priorities?

Does the program seek to represent clients in a fashion which serves to empower clients and farmworker organizations?

Does the program in conjunction with parent basic field programs, ensure that LSC migrant funds are used fairly and equitably to serve eligible migrant farmworkers?

Does the program support community economic development efforts beneficial to migrant workers?

**Indicators**

Migrant Program takes into account the specialized needs of migrant farmworkers and facilitates their access to legal services.

Standard 1.7., To the extent practicable, legal services providers should have the capacity to communicate with clients directly in their primary language.

**Possible Areas of Inquiry**

Do staff members have an organized [i.e. not ad hoc only] program for outreach to clients found in remote areas within and outside of regular office hours?

Are the attorneys culturally/ethnically/linguistic similar to the direct population?

How successful has the program been in hiring bilingual attorneys to speak directly with clients?

What is the ratio of bilingual attorneys to monolingual attorneys? Are the attorneys disproportionately monolingual?

Do the attorneys rely unreasonably on bilingual staff members to adequately communicate with clients?

Are other staff members culturally/ethnically/linguistically similar to the client population?

Are other staff members bilingual? How much of the bilingual staff members' time is spent translating for a monolingual attorney or other monolingual staff?

Are toll free telephone lines operated by bilingual staff members available during reasonable hours? Will the program accept collect telephone calls from migrant farmworkers during reasonable hours?

Are the offices located in areas accessible to migrant farmworkers?

What efforts have been undertaken to insure that all migrants in the service area, including clients, have access to legal services (e.g. unrestricted funds for legal services, encouraging private attorneys to undertake migrant representation, referral of migrants to other LSC programs with unrestricted funds, referral to church or other social groups for representation)?

Performance Are Three: Effectiveness of legal representation and other program activities intended to benefit the low income population in its services area.

### Criterion 1 - Legal Representation.

#### Indicators

Supervision of legal work in accordance with Standard 3.3.

Standard 3.3. To the extent that the provider assumes responsibility for representation, it should supervise the performance of the practitioner to assure that the client is competently represented. When a provider delegates responsibility for representation to a private practitioner, it should offer the practitioner adequate support and training.

Standard 3.4 - A legal services provider should provide systematic and comprehensive training of staff and private practitioners and other personnel appropriate to their functions and responsibilities.

Staff utilization of outside resources and expertise.

#### Possible Areas of Inquiry

Does the program train its staff so that they may competently represent clients in all appropriate forums including federal as well as state judicial systems, federal and state administrative tribunals, federal and state legislative and administrative agencies within the scope of LSC regulations?

Does the program pursue effective strategies including class action litigation and "impact" cases in appropriate circumstances?

What legal steps has the program undertaken to protect clients from retaliation resulting from clients' assertion of legal rights?

Do staff members make use of national and state support centers and back-up programs as needed for both litigation support, training, pleadings and updates on developments affecting farmworkers\*.

Do staff members coordinate with basic field programs (where applicable) so as to ensure that migrant workers have full access to legal services provided by the basic field program and that basic field staff are incorporated into service delivery to migrants when appropriate?

A private attorney involvement system which includes adequate recruitment, training, referral, support, oversight, and evaluation.

Coordination with other Legal Services programs.

Adequate capacity and resources include but are not limited to:

Adequate resources to effectively represent clients in retained cases.

\*Necessary networking with legal services in other areas/states.

How many cases have included pro bono private counsel, Private Attorney Involvement, et al? How often and how successful have those referrals been?

Has the program retained private counsel on behalf of clients in some cases? How often and how successful has that been?

Has the program entered into co-counseling agreements with private counsel? How successful has that been?

is the program integrated with other migrant legal services programs and support centers on a national and "stream" basis permitting continuity of services to transient clients and cooperation with other migrant advocates?

Does the program maintain an adequate litigation/advocacy budget to support its advocacy, i.e., including sufficient funds to pay court costs and/or other litigation expenses?

What measures are being taken to maintain communication with clients as they move to other areas/state?

Does the program have an ongoing relationship with other Basic and/or migrant legal services programs?

Maintain a high level of institutional expertise and knowledge.

Does the program maintain a pleadings/brief bank of prior litigation? Does the program maintain a continually updated "conflicts" list of adverse parties? Does the program maintain a comprehensive list of "players" in the community? Does the program maintain a comprehensive survey or relevant labor practices and market data of the community?

Does the program have a training program for senior advocates to pass on their knowledge to junior advocates?

Does the program utilize transition periods to lessen the impact of personnel turnover?

## Criterion 2. Community Legal Education

### Indicators

The program achieves meaningful communication with its intended audience.

### Possible Areas of Inquiry

Does the program prepare and distribute community education materials in a fashion designed to maximize their accessibility to the client population, including use where appropriate of materials in workers' primary language and non-traditional materials where appropriate, through effective media such as radio, television and comic book-style publications?

Does the program in appropriate circumstances, work to provide leadership opportunities and training for migrants?

6. General/resource development and maintenance.

7. Private bar relations.

8. Coherent and comprehensive delivery structure.

**LEGAL SERVICES PERFORMANCE CRITERIA**

**PERFORMANCE AREA ONE:** Effectiveness in identifying and targeting resources on the most pressing needs of the low income community.

1. Periodic comprehensive assessment.
2. Ongoing Consideration of needs.
3. Setting priorities and allocating resources.
4. Implementation.
5. Evaluation and adjustment.

**PERFORMANCE AREA TWO:** Effectiveness in engaging and serving the client community

5. Dignity and sensitivity.
6. Client engagement.
3. Thoroughness of access and utilization by the community.

**PERFORMANCE AREA THREE:** Effectiveness of legal representation and other program activities intended to benefit the low-income population in its service area.

1. Legal representation
2. Community legal education.
3. Efforts to facilitate self-help involvement and pro se appearances.
4. Liaison with judiciary, organized bar, government agencies, research centers and information sources, state and national Legal Services support and other advocacy centers, and other entities which have a significant effect upon the target population.
5. Other advocacy and activities.

**PERFORMANCE AREA FOUR:** Effectiveness of administration and governance.

1. Basic Administration.
2. Board governance.
3. Financial administration.
4. Equal employment opportunity (EEO).
5. Internal communication and morale.