

**MONTANA LEGAL SERVICES ASSOCIATION
REGULATION NO. 404
APPLICANT AND CLIENT GRIEVANCE PROCEDURE**

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1. PURPOSE

This part establishes the following procedures for receiving and processing grievances from people who believe that they have been wrongly denied legal assistance and from people who are dissatisfied with about the manner or quality of legal assistance provided.

2. GRIEVANCE COMMITTEE

The Board of Trustees of the Montana Legal Services Association (MLSA) shall establish from within its membership a Grievance Committee (hereinafter referred to as the "Committee") and name a chair for the Committee. The Board shall appointed three members to serve on the Committee. The percentage representation of lawyers and clients on the Committee is approximately the same as their percentage representation on the Board. If vacancies should arise on the Committee, members will be appointed so as to ensure that the composition

continues to have approximately the same percentage representation of lawyers on the Committee as the percentage representation of the Board.

3. **NOTICE OF GRIEVANCE PROCEDURES**

Clients served by MLSA (actual or potential) shall have access to the grievance procedures. The procedures are to ensure the protection of clients rights, to establish accountability and maintain high quality services.

a. Posting and Distribution of Policy

1. Every office will post a copy of the *Applicant and Client Grievance Procedure* in a prominent place.
2. A copy of this policy shall be provided to any person who requests one.
3. Staff members shall have the responsibility to inform applicants or clients of the grievance procedures when asked or when those person's statements indicate the desire to pursue some type of grievance procedure.

b. Complaints by clients or applicants about the denial of legal assistance

1. Whenever an applicant is denied service, for reasons of income or assets eligibility, resources, priorities, MLSA or LSC policy or regulation, or a client is provided less than the full range of services requested, and when the cases are closed, MLSA staff have a responsibility to inform the applicant or client of his or her right to have the decision reviewed when asked or when those persons' statements indicate the desire to pursue some type of grievance procedure.

- c. Complaints by clients about the manner or quality of legal assistance
1. Whenever an applicant is accepted as a client or as soon thereafter as is practical, MLSA shall provide notice of the complaint procedures and how to make a complaint to the client.
 2. Whenever a client is dissatisfied with the quality of the assistance provided, MLSA staff shall inform the client of the right to file a grievance, how to file a grievance, and that an opportunity to be heard by oral and/or written testimony on due notice may be had.

4. GRIEVANCE PROCEDURES

- a. The client or applicant may, with 30 days, write or otherwise communicate to the Director, Montana Legal Services Association, 616 Helena Avenue, Suite 100, Montana, 59601, describing the reasons for the grievance.
- b. The client or applicant shall be informed of his or her right to have an MLSA staff assist the applicant, if necessary, in reducing the complaint to writing.
- c. The Executive Director or his designee, shall investigate the allegations of the complaint, shall take such other action as may be deemed appropriate to a proper disposition of the matter, and shall render a decision. If the Executive Director or his designee is unable to resolve the matter, the client shall be given the opportunity to submit an oral or written statement about the grievance to the Grievance Committee of the Board of Trustees.

d. Grievance Committee Procedures

1. Any action by the Committee requires at least a majority of the Committee.
2. If the client or applicant has requested the opportunity to make an oral statement, the statement may be made in person, by teleconference, or through some other reasonable alternative.
3. The client or applicant may be accompanied by another person who may speak on the client or applicant's behalf.
4. The Committee will review the entire grievance file.
5. The Committee will issue a written a decision to the client or applicant and to the Executive Director within 15 working days from receipt of the appeal or from the date of the hearing.

d. The determination of the Director or the Grievance Committee of the Board of Trustees, as appropriate, shall be final.

5. COMPLAINTS ABOUT THE MANNER OR QUALITY OF LEGAL ASSISTANCE PROVIDED BY PRO BONO ATTORNEYS

Complaints received from clients about the manner or quality of legal assistance provided by a private attorney pursuant to MLSA's Private Attorney Involvement program under 45 CFR Part 1614 shall be processed in a manner consistent with MLSA's responsibilities under 45 CFR § 1614.3(d)(3) and with applicable state or local Rules of Professional Responsibility.

6. FILES

- a. A file containing every complaint and a statement of its disposition shall be preserved for examination by LSC. The file shall include any written statement submitted by the complainant or transcribed by MLSA staff from a complainant's oral statement.

7. REFERENCES

- a. Regulation Number 1621, Legal Services Corporation.
- b. Minutes, Board of Trustees, 17 September 1977.
- c. Minutes, Board of Trustees, 9 March 1985.
- d. Minutes, Board of Trustees, 16 January 1988.
- e. Minutes, Board of Trustees, 26 June 1993.
- f. Minutes, Board of Trustees, 19 February 1994.
- g. Minutes, Board of Trustees, 19 June 2004.
- h. Minutes, Board of Trustees, 10 March 2007

MONTANA LEGAL SERVICES ASSOCIATION

APPLICANT AND CLIENT GRIEVANCE PROCEDURES

If you feel any of the following listed below, you are entitled to file a grievance:

- That you have been denied services improperly;
- That you were not treated properly; or
- That you are not satisfied with the quality of service or the manner in which the matter is handled.

STEP 1: In such a case you may, within 30 days, write to the Executive Director at:

Montana Legal Services Association
ATTN: Executive Director
616 Helena Avenue, Suite 100
Helena, MT 59601

The Executive Director shall conduct an investigation of the matter and make a decision.

STEP 2: If the Director's decision does not resolve the problem, you may appeal to the Montana Legal Services Association's Board of Trustees Grievance Committee by writing to them at:

Board of Trustees Grievance Committee
Montana Legal Services Association
616 Helena Avenue, Suite 100
Helena, MT 59601

The Grievance Committee will hold a hearing after fair notice to you. You may make written or oral statements, question witnesses, have your own witnesses, and have someone help you in doing all of this. For more information, you may request a copy of *MLSA Regulation 404 - Applicant and Client Grievance Procedures*.