

# **EJC Panel Discussion on Recent Development at LCS**

**April 15, 2004**

Thank you. I am pleased to be here and have the opportunity to share with you today some recent development at LCS and some observations about my nearly 3 months in office as President of the Legal Services Corporation. My first 90 days at LCS have been a whirlwind experience to say the least.

## **1. Congressional Hearings**

The LSC had last been called for a Congressional oversight hearing in 2002 and had last testified before its Appropriations Committee in 1999. Well, less than 3 weeks ago, I had the privilege of testifying before both the House Judiciary Oversight Subcommittee and before the House Appropriations Subcommittee on back-to-back days. My impressions were that the hearings were cordial and positive for LSC. I will leave it to Julie Clark to discuss and analyze them in some detail based on her considerable experience with and knowledge of Congress.

I would note that LSC is experiencing possibly the strongest bipartisan support it has had in recent history. This is not only evidenced by the President's backing for LSC, but also by the support demonstrated on both sides of the aisle at our recent Congressional hearings.

Unfortunately, despite the support, I have heard over and over again in my meetings with Members of Congress that this will be one of the most difficult appropriations cycles in terms of domestic spending. The President's request for LSC was \$329.3 million; level funding for LSC would be \$338.8 million; our request to Congress was for a 4% increase, for a modest increase to \$352.4 million. Every indication suggests that even level funding may be difficult for FY 2005.

During the oversight hearing, Chairman Cannon (R-UT) remarked that LSC has gone from a controversial organization to one for which there is a great deal of support in Congress, and that for the first time there is close to unanimity in support of the program.

I testified on behalf of LSC, providing an overview of LSC, highlighting the work of our programs, and noting that LSC-funded programs are unable to meet even 20 percent of the legal needs of eligible clients.

The two main issues addressed during the hearing were the merits of a possible system of co-payments by LSC-eligible clients and issues raised by the recent Office of Inspector General report on California Rural Legal Assistance.

In our appropriations hearing, Chairman Wolf noted that he felt “very comfortable” with LSC. He said that there is less criticism of LSC grantees now than there has been in a long time, and he expressed interest in the possibility of LSC considering a pilot program offering loan repayment assistance for legal aid lawyers.

Overall, I think both hearings demonstrated that there is solid support for the work of LSC and our grantees on both sides of the aisle. There is a level of comfort that did not exist even a few years ago. The positive attitudes expressed about LSC and our grantees are the result of the outstanding work of our grantees, careful monitoring to ensure compliance with the restrictions, and a successful effort by my predecessors to cultivate lasting relationships with key players on Capitol Hill. I will certainly make it my priority to continue down that path so as to ensure that the kind of solid support we now have continues in the future.

## **2. Board of Directors**

We are fortunate to have a Board of Directors, chaired by Frank B. Strickland, all firmly committed to our mission. Frank is a past president of the Atlanta Bar Association. During his term, the Bar sponsored a program to provide legal representation for Cubans being detained by the INS in the Atlanta Federal penitentiary after arriving on our shores in the Freedom Flotilla at President Carter's invitation, and he handled some of these cases himself. Frank also served on the Board of Directors of both LSC programs in Georgia. I would like to recognize him and ask him to stand.

Under his direction, the Board has decided to hold its meetings in different parts of the country so that the Board can visit and see firsthand the wonderful work done by our grantees. Our April meeting will be in Baltimore where we will focus on the delivery of services being provided by the Maryland statewide Legal Aid Bureau and discuss how one state justice community maintains quality across its delivery system. Our June meeting will be in Omaha, Nebraska/Council Bluffs Iowa and will focus on the unique issues related to delivery of legal services in rural areas.

### 3. Technology Initiative Grants (TIG)

I would now like to share with you information about our upcoming Technology Initiatives Grants (TIG) applications process and the 2005 grants competition schedule.

The TIG deadline is fast approaching and the online system is up and ready to accept applications for this year's round of competition for TIG grants. All applications must be entered into the system by 5pm EDT on May 14, 2004. TIG has 2.9 million dollars to “grant” this year, so we expect a highly competitive round. The RFP for this year's round is very similar to last year's, with one notable exception. In response to feedback from the field we have added an **Open** Category - a place for your most innovative and exciting ideas. This category has no dollar limit, no matching funds requirement, and no criterion other than to use technology to increase and/or improve the delivery of legal services to our clients. We hope this category provides a venue for your most creative thinking around technology and legal services.

**TIG Audits**—On April 1, 2004, LSC was informed that the OIG will soon start audits of selected TIG grants. We know very little other than that their work will begin with interviewing the TIG staff and that they will then select one grant/grantee for a pilot audit. We also understand that they will

be looking at whether or not the grantee is doing what it said it would do with the money and at the grant deliverables. However, we understand that they will also be looking at the impact on clients in terms of outputs and outcomes.

#### **4. 2005 Grants Competition**

As in previous years, competitive grant applications will be filed on two time tracks – track (A) and track (B). Two time tracks are provided so that applicants involved in merger have adequate time to prepare a comprehensive grant application representative of the merged delivery system.

##### **1. Competition Filing Dates for Track-A states:**

The due date for filing the required Notice of Intent to Compete (NIC) is May 21, 2004 for service areas in: Alabama, Arizona, Arkansas, California, Illinois, Kentucky, Louisiana, Michigan, Missouri, New Mexico, New York, North Dakota, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

The due date for filing the grant application for service areas in Track-A states is June 18, 2004.

2. Competition Filing Dates for Track-B states:

The due date for filing the required NIC is July 9, 2004 for service areas in Massachusetts and Minnesota. The due date for filing the grant application for service areas in Track-B states is August 6, 2004.

3. The RFP for calendar year 2005 grants will be published April 23, 2004.

4. The LSC service desk is available now to respond to applicant inquiries regarding the grants competition. Please submit inquiries to the competition service desk by e-mail at [competition@lsc.gov](mailto:competition@lsc.gov).

5. LSC will hold an Applicant Information Session, on Tuesday, May 18, 2004 (2:00 p.m. ET). This is a free telephonic conference sponsored by LSC to assist applicants in preparing the competitive grant application and to promote participation in the competitive

grants process. See Appendix H of the RFP for details about the conference, or contact our competition service desk.

6. Applicants are encouraged to visit [www.ain.lsc.gov](http://www.ain.lsc.gov), regularly to remain current on the LSC competitive grants process.

Renewal grants will be due on August 9<sup>th</sup>. [confirm]

## 5. **Quality Initiatives**

On the programmatic side, consolidation and configuration is coming to an end. We are now turning our focus to quality--how do we define and measure quality, and what is our role as a funder in helping to assure our grantees provide and their clients receive quality legal services?

LSC recognizes that it is not enough for a low-income person to have access to a lawyer if that access does not result in high quality service. Access to a lawyer is not, in and of itself, access to justice. The Legal Services Corporation Act of 1974 requires LSC to ensure that the programs it funds are of the highest quality and meet professional standards. In 2004 the LSC Board of Directors has invited the national legal services community to engage in a national year-long conversation on defining and measuring quality. Two initiatives that I am exploring to improve quality

are: (1) an effort to combine some OPP and OCE visits into one visit so that, when LSC reviews a grantee, we look not only at compliance but also at overall program quality—or visa versa (hopefully lessening the burden on grantees), and (2) whether LSC should renew its commitment to peer review and replicate the type of peer review that commonly occurs in other organizations such as institutions of higher learning and the ABA accreditation of our law schools.

Our pilot OCE/OPP visit will be with our grantee serving Moorhead, Minnesota and Fargo, North Dakota.

Part of this process will be working jointly with the ABA SCLAID and the NLADA to update and revise the Standards of Providing Civil Legal Assistant to the Poor and take into account, among other things, technology and limited representation. And I look forward to hearing from Sara as to a proposed schedule. LSC will also be reviewing its own internal performance criteria [bring copy].

I believe that a useful and important measure of quality is outcomes data. I am sensitive to the fact that program priorities are set on a local level. However, in order to be able to make an even more compelling case

to both federal and state legislators, it is important to develop outcome measures.

Approximately two years ago LSC began to move a Performance Measures project forward. Initial efforts were to gather information. LSC conducted a series of *structured interviews* with numerous people (both within LSC, within our grantee community and within the national legal services community) who had either expressed an interest in performance and outcomes-based measures for legal services programs, had already experimented with outcomes measurement, had expressed opposition or concern about this issue, or in some way had come to our attention as people whose opinions on this issue were important and who, accordingly, should be consulted.

Phase I culminated with a June 2003 conference co-sponsored by LSC and Hale-Dorr Legal Services Clinic which was billed as a frank conversation among legal services leaders on this important topic. A post-seminar report was published by LSC and is available on the LSC website.

On June 24-26, LSC will hold its second summit on outcomes in Cincinnati, Ohio. This summit is for **grantees** who currently collect outcomes information. It has two important goals—(1) to allow grantees

who are currently measuring outcomes to share information with one another on what they do, how they do, and how they use the information they acquire on outcomes; and (2) to give conferees the opportunity to make concrete recommendations to LSC as to how we can begin to collect outcomes data from all of our grantees. In the letter of invitation LSC asked all participants: to submit a written recommendation, not to exceed one page, *identifying one outcome common to most legal services providers that LSC could measure in a first-year effort to collect outcomes data.*

## **6. Non-English Speaking Clients**

I thought you would also be interested to know that an LSC program letter is soon to be issued setting forth guidelines for grantees in dealing with persons of limited English proficiency. (Attach Program Letter)

(Add from Pat Harahan's Census data)

## 7. **30<sup>th</sup> Anniversary**

In closing, this year is a milestone for LSC. We are celebrating 30 years of providing access to the civil justice system in America. In 1974, President Nixon signed the LSC Act into law with bipartisan support from Congress. Now, 3 decades later, we continue to enjoy the support of the White House and members of both of the major political parties, and for that we at LSC are extremely grateful.